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ABSTRACT

Presented is a report on the Senate bill to extend the authorization of appropriations for and to strengthen the provisions of the Older Americans Act of 1965 and for other purposes. The document opens by reporting favorably on the bill as amended and by recommending passage. The following topics are addressed: (1) summary of bill; (2) background and need for legislation; (3) text of bill as reported; (4) committee views; (5) hearings; (6) votes in committee; (7) Congressional Budget Office cost estimates; (8) regulatory impact statement; (9) section-by-section analysis; and (10) changes in existing law. A reprint of the complete statue with the parts or sections to be amended or replaced noted is included. In summary, major provisions of the bill are continuation of the Older Americans Act of 1965 with reauthorization for fiscal years 1988-1992, new authorizations for in-home services, health promotion services, and ombudsmen services, funding for a 1991 White House Conference on Aging, and funding for clinical trials of drugs for the treatment of Alzheimer's disease. (ABL)

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100TH CONGRESS
1st Session

SENATE

REPORT
100-136

ED288108

OLDER AMERICANS ACT AMENDMENTS OF 1987

JULY 31 (legislative day, JUNE 23), 1987.—Ordered to be printed

Mr. KENNEDY, from the Committee on Labor and Human Resources, submitted the following

REPORT

[To accompany S. 887]

The Committee on Labor and Human Resources, to which was referred the bill (S. 887) to extend the authorization of appropriations for and to strengthen the provisions of the Older Americans Act of 1965, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CG 020281

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I. SUMMARY OF BILL

As reported by the Committee on Labor and Human Resources, this bill proposes to continue the Older Americans Act of 1965, and to reauthorize the Act for fiscal years 1988, 1989, 1990, 1991, and 1992. The bill proposes to create new authorizations for appropriations under the Older Americans Act for in-home services, health promotion services, and for ombudsman services for older Americans. In addition, the bill authorizes funds for a 1991 White House Conference on Aging and for the National Institute on Aging clinical trials on drugs for the treatment of Alzheimers in 1988, 1989, and 1990.

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A summary of the authorized funding appears below:

TABLE I.—AUTHORIZATIONS

[By fiscal year, in millions of dollars]

	1988	1989	1990	1991	1992
Federal Council on Aging	0.2	0.2	0.2	0.2	0.2
Supportive Services and Centers	380	399	418	439	461
Congregate Nutrition Centers	415	435	457	480	504
Home-Delivered Nutrition Programs	79	83	88	92	96
Surplus Commodities	151	166	183	201	221
In-Home Services	25	26	28	29	30
Preventive Health Services	5				
Older Individual Abuse Prevention	5				
Ombudsman Program	20				
Training, Research and Discretionary	33	35	36	38	40
Outreach Demonstration	3				
Home Care Quality Demo		2	2		
Ombudsman Demonstration	1	1			
Community Service Emp	387	406	426	448	470
Native American Programs	13	16	19	22	27
Personal Health Programs					
1991 White House Conference on Aging					
Alzheimer's Disease Research	2	2	2		

II. Background and Need for Legislation

The Older Americans Act of 1965 has been amended 10 times since it was enacted. The original Act set forth the Nation's commitment to assuring the well-being of older Americans; created the Federal Administration on Aging; provided a program of grants for community planning, services and training; created a program of grants for research and development; and created a program of grants for training and developing curricula in the field of aging.

In 1967, Congress extended the Act for two years, providing additional funding and requiring a study of the future personnel needs for carrying out Older Americans Act programs. The 1969 Amendments reauthorized the Act for an additional three years, created a National Older Americans Volunteer Program, and provided increased support for a new areawide model project initiative. In 1972, the Nutrition Program for the Elderly Act, which created a major new program providing congregate meals for older Americans, was established under the auspices of the State Units on aging.

The 1973 reauthorization brought major changes to the Act, including the introduction of the substate administrative structure, Area Agencies on Aging, which assumed primary responsibility for developing and coordinating resources for the delivery of services at the local level. The 1973 amendments also incorporated the Older American Community Service Employment Act, and expanded the research and demonstration projects funded under the Act.

In 1974, Congress authorized a special program for transportation services and extended the authorization for nutrition programs for three years. 1975 brought more significant changes, including a special reservation of funds for Indian tribes, mandated priority services, established model projects for ombudsman serv-

ices and day care services, and expanded support to educational institutions for career training in gerontology. The 1977 amendments made minor changes to the Nutrition Services Program relating to the use of surplus commodities.

In 1978, the Older Americans Act programs were again extended for three years. The Act was significantly restructured, with consolidation of social services, multipurpose senior centers and nutrition services into a single title III, designation of three distinct categories of priority services and requirement that 50 percent of title III funds be spent on these services, and the inclusion of language which assured preference in the delivery of services to those in the greatest economic or social need. In addition, a new title provided for grants directly to Indian Tribes.

The 1981 amendments reauthorized the Act for three years, and focused primarily on modifications designed to give State and area agencies more flexibility in administering programs. Among the changes were provisions allowing 2, 3 or 4 year planning cycles; modification to the priority service requirement to require area agencies to spend an "adequate proportion" of funds rather than a fixed percentage; and allowing States to transfer up to 20 percent of separate allotments for nutrition and suportive services among such services. In addition, the amendments consolidated authorizations under title IV and added emphasis on the transition of Title V community service employment participants to private sector employment.

In 1984, Congress again reauthorized the Act for three years. The transfer authority amcng allotments for nutrition and supportive services was allowed to gradually increase up to 30 percent in 1987. These amendments also added a new Title VII to support institutions of higher education in developing standardized programs of health education and training for older persons to be operated in multipurpose senior center facilities, and added victims of Alzheimer's disease and other neurological and organic brain diseases as an area of special emphasis for Title IV demonstrations. In addition, the 1984 amendments placed a statutory limitation on the amount of federal funds that can be used for administration by community service employment programs.

III. Text of Bill as Reported

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Older Americans Act Amendments of 1987".

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965

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Sec. 161. Administrative costs of employment projects.
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Sec. 163. Definition of community services.
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Sec. 165. Employment assistance and other programs.

PART E—NATIVE AMERICAN PROGRAMS

Sec. 171. Native American programs.

PART F—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Sec. 181. Personal health education and training programs.
Sec. 182. Technical amendments.

TITLE II—1991 WHITE HOUSE CONFERENCE ON AGING

Sec. 201. White House Conference authorized.
Sec. 202. Authorization of the Conference.
Sec. 203. Conference administration.
Sec. 204. Conference committees.
Sec. 205. Report of the Conference.
Sec. 206. Definitions.

Sec. 207. Authorization of appropriations.

TITLE III—ALZHEIMER'S DISEASE RESEARCH

Sec. 301. Requirement for clinical trials.
Sec. 302. Authorization of appropriations.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Effective date; application of amendments.

TITLE I—AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965

PART A—OBJECTIVES AND ADMINISTRATION

OBJECTIVES

SEC. 101. Section 101 of the Older Americans Act of 1965 (42 U.S.C. 3001) (hereafter in this title referred to as "the Act") is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "United States and" and inserting "United States,", and

(B) by inserting ", and of Indian tribes" after "subdivisions",

(2) in paragraph (3)—

(A) by striking "Suitable" and inserting "Obtaining and maintaining suitable", and

(B) by inserting "and functional limitations" after "special needs",

(3) in paragraph (7) by striking "Pursuit of" and inserting "Participating in and contributing to", and

(4) in paragraph (10)—

(A) by striking "lives and" and inserting "lives,", and

(B) by inserting ", and protection against abuse, neglect, and exploitation" before the period at the end.

ESTABLISHMENT OF ADMINISTRATION ON AGING

SEC. 102. Section 201(a) of the Act (42 U.S.C. 3011(a)) is amended in the third and fourth sentences by striking "the Office of".

DATA COLLECTION; REPORTS

SEC. 103. (a) COLLECTION REQUIRED.—Section 202(a) of the Act (42 U.S.C. 3012(a)) is amended—

(1) by striking "and" in paragraph (17) at the end,

(2) by striking out the period at the end of paragraph (18) and inserting a semicolon, and

(3) by adding at the end the following:

"(19) collect for each fiscal year for fiscal years beginning after September 30, 1988, directly or by contract, statistical data regarding programs and activities carried out with funds provided under this Act, including—

"(A) with respect to each type of service provided with such funds—

"(i) the aggregate amount of such funds expended to provide such service;

"(ii) the number of individuals who received such service; and

"(iii) the number of units of such service provided;

"(B) the number of senior centers which received such funds; and

"(C) the extent to which each area agency on aging designated under section 305(a) satisfied the requirements of paragraphs (2) and (5)(A) of section 306(a).".

(b) REPORTS.—The last sentence of section 207(a) of the Act is amended to read as follows: "Such annual reports shall include—

"(1) statistical data reflecting services and activities provided to individuals during the preceding fiscal year;

"(2) statistical data collected under section 202(a)(19);

"(3) statistical data on legal services collected pursuant to section 202(a)(19) and an analysis of the information received under section 307(a)(15)(E) by the Commissioner; and

"(4) statistical data and an analysis of information regarding the effectiveness of the State agency and area agencies on aging in targeting services to older individuals with the greatest economic or social needs, with particular attention to low-income minority individuals, low-income individuals, and frail individuals (including individuals with any physical or mental functional impairment).".

(c) REPORT ON OMBUDSMAN PROGRAM TO CONGRESS.—Section 207 of the Act is amended by adding at the end the following:

"(c)(1) Not later than January 15 of each year, the Commissioner shall compile a report—

"(A) summarizing and analyzing the data collected under section 307(a)(12)(C) for the then most recently concluded fiscal year;

"(B) identifying significant problems and issues revealed by such data (with special emphasis on problems relating to quality of care and residents' rights);

"(C) discussing current issues concerning the long-term care ombudsman programs of the States; and

"(D) making recommendations regarding legislation and administrative actions to resolve such problems.

"(2) The Commissioner shall submit the report required by paragraph (1) to—

"(A) the Select Committee on Aging of the House of Representatives;

"(B) the Special Committee on Aging of the Senate;

"(C) the Committee on Education and Labor of the House of Representatives; and

"(D) the Committee on Labor and Human Resources of the Senate.

"(3) The Commissioner shall provide the report required by paragraph (1), and make the State reports required by section 307(a)(12)(I)(i) available, to—

"(A) the Administrator of the Health Care Finance Administration;

"(B) the Office of the Inspector General of the Department of Health and Human Services;

"(C) the Office of Civil Rights of the Department of Health and Human Services;

"(D) the Administrator of the Veterans' Administration; and

"(E) the public agencies and private organizations designated under section 307(a)(12)(A).".

VETERANS' PROGRAMS

SEC. 104. (a) CONSULTATION.—Section 203(b) of the Act (42 U.S.C. 3013(b)) is amended—

(1) by striking "and" in paragraph (13) at the end,

(2) by striking the period at the end of paragraph (14) and inserting ", and", and

(3) by adding at the end the following:

"(15) parts II and III of title 38, United States Code.".

(b) TECHNICAL ASSISTANCE AND COOPERATION UNDER TITLE III.—Section 301(b)(2) of the Act is amended by inserting ", the Veterans' Administration," after "Office of Community Services".

(c) AREA PLANS.—Section 306(a)(6)(F) of the Act is amended by inserting "providers of veterans' health care (if appropriate)," after "elected officials,".

(d) TECHNICAL ASSISTANCE AND COOPERATION UNDER TITLE IV.—Section 402(b) of the Act is amended by inserting "the Veterans' Administration," after "National Institutes of Health,".

MENTAL HEALTH

SEC. 105. (a) FUNCTIONS OF COMMISSIONER.—Section 202(a)(5) of the Act (42 U.S.C. 3012(a)(5)) is amended by inserting "(including mental health)" after "health".

(b) FEDERAL AGENCY CONSULTATION.—Section 203(b)(10) of the Act is amended by inserting ", including block grants under title XIX of such Act" before the comma.

(c) ADMINISTRATION OF TITLE III.—Section 301(b)(2) of the Act, as amended by section 104(b), is amended by inserting ", the Alcohol, Drug Abuse, and Mental Health Administration," after "Veterans' Administration,".

(d) ADMINISTRATION OF TITLE IV.—Section 402(b) of the Act, as amended by section 104(d), is amended by inserting "Alcohol, Drug Abuse, and Mental Health Administration," after "Veterans' Administration,".

(e) EDUCATION AND TRAINING.—(1) Section 411(a)(1) of the Act is amended by inserting "(including mental health)" after "health".

(2) The first sentence of section 412(a) of the Act is amended by inserting "(including mental health)" after "health".

(f) SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.—The second sentence of section 423(a)(3) of the Act is amended by inserting "mental health services;" after "in-home services;".

OLDER INDIVIDUALS WITH DISABILITIES

SEC. 106. (a) CONSULTATION FUNCTION.—Section 202(a) of the Act (42 U.S.C. 3012(a)), as amended by section 103(a), is amended—

(1) by striking "and" at the end of paragraph (18);

(2) by striking out the period at the end of paragraph (19) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new paragraph:

"(20) consult with national organizations representing the interests of individuals with severe disabilities (A) to develop and disseminate information on population characteristics and needs, and training of personnel; and (B) to provide technical assistance designed to assist State and area agencies to provide services in collaboration with other State agencies to older individuals with disabilities and severely impairing conditions.".

(b) PLANNING.—Section 202(b)(1) of the Act is amended—

(1) by striking "and" and inserting a comma; and

(2) by inserting after "Act" at the end thereof a comma and the following: "with the Alcohol, Drug Abuse, and Mental Health Administration and the Administration on Developmental Disabilities".

(c) AGENCY CONSULTATION.—(1) Section 203(b) of the Act, as amended by section 104(a), is amended—

(A) by striking out "and" at the end of paragraph (14);

(B) by striking out the period at the end of paragraph (15) and inserting in lieu thereof a comma; and

(C) by adding after paragraph (15) the following new paragraphs:

"(16) the Rehabilitation Act of 1973, and

"(17) the Developmental Disabilities and Bill of Rights Act.".

(2) Section 203 of the Act is amended by adding at the end thereof the following:

"(c) In carrying out section 341, the Commissioner shall consult with the Federal Advisory Panel on Alzheimer's Disease established under section 921 of the Alzheimer's Disease and Related Dementias Services Research Act of 1986.".

(d) EVALUATION.—The second sentence of section 206(c) of the Act is amended by inserting before the period the following: "and older individuals with disabilities".

OLDER NATIVE AMERICANS

SEC. 107. (a) IMPROVED ADMINISTRATION FOR NATIVE AMERICAN PROGRAMS.—Section 201 of the Act (42 U.S.C. 3011) is amended by adding at the end the following:

"(c)(1) There is established in the Administration on Aging an Office for Native American Programs.

"(2) The Office shall be headed by an Associate Commissioner on Native American Aging appointed by the Commissioner.

"(3) The Associate Commissioner on Native American Aging shall—

"(A)(i) evaluate the adequacy of outreach under title III and title VI for older Native Americans and recommend to the Commissioner necessary action to improve service delivery, outreach, coordination between title III and title VI services, and particular problems faced by older Indians and Hawaiian Natives; and

"(ii) include a description of the results of such evaluation and recommendations in the annual report required by section 207(a) to be submitted by the Commissioner;

"(B) serve as the effective and visible advocate in behalf of older Native Americans within the Department of Health and Human Services and with other departments and agencies of the Federal Government regarding all Federal policies affecting older Native Americans;

"(C) coordinate activities between other Federal departments and agencies to assure a continuum of improved services through memoranda of agreements or through other appropriate means of coordination;

"(D) administer and evaluate the grants provided under this Act to Indian tribes, public agencies and nonprofit private organizations serving Hawaiian Natives;

"(E) recommend to the Commissioner policies and priorities with respect to the development and operation of programs and activities conducted under the Act relating to older Native Americans;

"(F) collect and disseminate information related to problems experienced by older Native Americans;

"(G) develop research plans, and conduct and arrange for research, in the field of American Native aging with a special emphasis on the gathering of statistics on the status of older Native Americans; and

"(H) develop and provide technical assistance and training programs to grantees under title VI.".

(b) FEDERAL COUNCIL ON AGING.—The third sentence of section 204(a)(1) of the Act (42 U.S.C. 3015(a)(1)) is amended by inserting "Indian tribes" after "minorities".

(c) CONTRACTING AUTHORITY.—Section 212 of the Act (42 U.S.C. 3020c) is amended by inserting after "State agency" the following: "(or in the case of a grantee under title VI, subject to the recommendation of the Associate Commissioner on Native American Aging and the approval of the Commissioner)".

FEDERAL COUNCIL ON AGING

SEC. 108. (a) MEMBERSHIP.—The fourth sentence of section 204(a)(1) of the Act (42 U.S.C. 3015(a)(1)) is amended by striking out "two" and inserting in lieu thereof "three".

(b) REAUTHORIZATION.—Section 204(g) of the Act (42 U.S.C. 3015) is amended to read as follows:

"(g) There are authorized to be appropriated to carry out the provisions of this section $210,000 for the fiscal year 1988, $221,000 for the fiscal year 1989, $232,000 for the fiscal year 1990, $243,000 for the fiscal year 1991, and $255,000 for the fiscal year 1992.".

REGULATIONS

SEC. 109. Section 205(c) of the Act (42 U.S.C. 3016(c)) is amended by striking "1984" and inserting "1987".

PUBLICATION OF GOALS

SEC. 110. Section 205 of the Act (42 U.S.C. 3016) is amended—

(1) by redesignating subsection (d) as subsection (e), and

(2) by inserting after subsection (c) the following:

"(d) Not later than September 1 of each fiscal year, the Commissioner shall publish in the Federal Register, for the purpose of facilitating informed public comment, proposed specific goals to be achieved by implementing this Act in the first fiscal year beginning after the date of such publication.".

PART B—GRANTS FOR SUPPORTIVE SERVICES, NUTRITION, AND OTHER ACTIVITIES

PURPOSE

SEC. 121. Section 301(a) of the Act (42 U.S.C. 3021(a)) is amended by inserting "with Indian tribes, tribal organizations, and Hawaiian Native organizations," after "agencies," the second place it appears.

ADMINISTRATION OF STATE GRANTS PROGRAM

SEC. 122. Section 301(b)(2) of the Act is amended—

(1) by inserting "(a)" after the paragraph designation; and

(2) by adding at the end thereof the following new subparagraph:

"(b) In carrying out the provisions of this title, the Commissioner may request technical assistance and cooperation of other agencies and units of the Department of Health and Human Services, including the National Institute on Aging, the Health Care Financing Administration, and the Social Security Administration.".

REAUTHORIZATION FOR STATE AND COMMUNITY PROGRAMS ON AGING

SEC. 123. (a) SUPPORTIVE SERVICES AND SENIOR CENTERS.—Section 303(a) of the Act is amended to read as follows:

"(a) There are authorized to be appropriated $379,575,000 for the fiscal year 1988, $398,554,000 for the fiscal year 1989, $418,481,000 for the fiscal year 1990, $439,406,000 for the fiscal year 1991, and $461,376,000 for the fiscal year 1992 for the purpose of making grants under part B of this title (relating to supportive services and senior centers).".

(b) NUTRITION SERVICES.—Section 303(b) of the Act is amended to read as follows:

"(b)(1) There are authorized to be appropriated $414,750,000 for the fiscal year 1988, $435,488,000 for the fiscal year 1989, $457,262,000 for the fiscal year 1990, $480,125,000 for the fiscal year 1991, and $504,131,000 for the fiscal year 1992 for the purpose of making grants under subpart 1 of part C of this title (relating to congregate nutrition services).

"(2) There are authorized to be appropriated $79,380,000 for the fiscal year 1988, $83,349,000 for the fiscal year 1989, $87,516,000 for the fiscal year 1990, $91,892,000 for the fiscal year 1991, and $96,487,000 for the fiscal year 1992 for the purpose of making grants under subpart 2 of part C of this title (relating to home delivered nutrition services).".

(c) SURPLUS COMMODITIES PROGRAM.—(1) Section 311(a)(4) of the Act is amended—

(A) by striking "fiscal year 1986 and during each fiscal year thereafter" and inserting "fiscal years 1986 through 1992", and

(B) by striking the second and third sentences.

(2) The matter preceding the parenthetical in section 311(c)(1)(A)(i) of the Act is amended to read as follows:

"(c)(1)(A)(i) There are authorized to be appropriated $151,000,000 for the fiscal year 1988, $166,000,000 for the fiscal year 1989, $183,000,000 for the fiscal year 1990, $201,000,000 for the fiscal year 1991, and $221,100,000 for the fiscal year 1992 to carry out the provisions of this section.".

ADMINISTRATIVE EXPENSES OF AREA AGENCIES ON AGING

SEC. 124. Section 304(d)(1)(A) of the Act (42 U.S.C. 3024(d)(1)(A)) is amended by striking "8.5" and inserting "10".

AREA AGENCIES ON AGING AS SEPARATE UNITS

SEC. 125. Section 305(c) of the Act (42 U.S.C. 3025(c)) is amended—

(1) in paragraph (2) by inserting "to function only" after "designated",

(2) in paragraph (3) by inserting "only" after "act", and

(3) in paragraph (4)—

(A) by inserting ", or any separate organizational unit within such agency," after "area" the first place it appears, and

(B) by striking "engage" and inserting "and will engage only".

AREA PLANS

SEC. 126. Section 306(a)(6)(A) of the Act (42 U.S.C. 3026(a)(6)(A)) is amended by inserting ", and public hearings on," after "evaluations of".

DAYCARE AND RESPITE SERVICES PROVIDED BY VOLUNTEERS

SEC. 127. Section 306(a)(6)(E) of the Act (42 U.S.C. 3026(a)(6)(E)) is amended—

(1) by inserting "or adults, and respite for families," after "for children", and

(2) by inserting ", adults, and families" after "to children".

COORDINATION OF CERTAIN PROGRAMS RELATING TO OLDER VICTIMS OF ALZHEIMER'S DISEASE

SEC. 128. Section 306(a)(6) of the Act (42 U.S.C. 3026(a)(6)) is amended—

(1) in subparagraph (J) by striking "and" at the end;

(2) in subparagraph (K) by striking out the period at the end and insert a semicolon and "and"; and

(3) by adding at the end the following:

"(L) coordinate the categories of services specified in paragraph (2) for which the area agency on aging is required to expend funds under part B, with activities of community-based organizations established for the benefit

of victims of Alzheimer's disease and the families of such victims.".

OMBUDSMAN OFFICE AND PROGRAM

SEC. 129. (a) TECHNICAL ASSISTANCE.—Section 301 of the Act (42 U.S.C. 3021) is amended by adding at the end the following:

"(c) The Commissioner shall provide technical assistance and training (by contract, grant, or otherwise) to State long-term care ombudsman programs established under section 307(a)(12), and to individuals designated under such section to be representatives of a long-term care ombudsman, in order to enable such ombudsmen and such representatives to carry out the ombudsman program effectively.".

(b) STUDY OF OMBUDSMAN PROGRAM.—(1) The Commissioner shall conduct a study concerning involvement in the ombudsman program established under section 307(a)(12) and its impact upon issues and problems affecting—

(A) residents of board and care facilities and other similar adult care homes who are older individuals (as defined in section 302(10)), including recommendations for expanding and improving ombudsman services in such facilities; and

(B) the effectiveness of recruiting, supervising and retaining volunteer ombudsmen.

(2) The Commissioner shall prepare and submit a report to the Congress on the findings and recommendations of the study described in paragraph (1) not later than December 31, 1989.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 303(a) of the Act (42 U.S.C. 3023), as amended by section 123, is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following:

"(2) There are authorized to be appropriated an additional $20,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, 1991, and 1992 for such part B to be available for section 307(a)(12).".

(d) STATE PLANS.—Section 307(a)(12) of the Act (42 U.S.C. 3027(a)(12)) is amended to read as follows:

"(12) The plan shall provide assurances, with respect to a long-term care ombudsman program, that—

"(A) the State agency will establish and operate, either directly or by contract or other arrangement with any public agency or other appropriate private nonprofit organization, other than an agency or organization which is responsible for licensing or certifying long-term care services in the State or which is an association (or an affiliate of such an association) of long-term care facilities (including any other residential facility for older individuals), an Office of the State Long-Term Care Ombudsman (in this paragraph referred to as the 'Office') and shall carry out through the Office a long-term care ombudsman program which provides an individual who will, on a full-time basis—

"(i) investigate and resolve complaints made by or on behalf of older individuals who are residents of

long-term care facilities relating to action, inaction, or decisions of providers, or their representatives, of long-term care services, of public agencies, or of social service agencies, which may adversely affect the health, safety, welfare, or rights of such residents;

"(ii) provide for training staff and volunteers and promote the development of citizen organizations to participate in the ombudsman program; and

"(iii) carry out such other activities as the Commissioner deems appropriate;

"(B) the State agency will establish procedures for appropriate access by the ombudsman to long-term care facilities and patients' records, including procedures to protect the confidentiality of such records and ensure that the identity of any complainant or resident will not be disclosed without the written consent of such complainant or resident, or upon court order;

"(C) the State agency will establish a statewide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems, with provision for submission of such data to the agency of the State responsible for licensing or certifying long-term care facilities in the State and to the Commissioner on a regular basis;

"(D) the State agency will establish procedures to assure that any files maintained by the ombudsman program shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of any complainant or resident of a long-term care facility shall not be disclosed by such ombudsman unless—

"(i) such complainant or resident, or his legal representative, consents in writing to such disclosure; or

"(ii) such disclosure is required by court order;

"(E) the State agency will establish a statewide toll-free hotline to facilitate communication of complaints to the ombudsman by residents of long-term care facilities, by any person on behalf of such residents and recipients, and by any other person;

"(F) in planning and operating the ombudsman program, the State agency will consider the views of area agencies on aging, older individuals, and provider agencies;

"(G) the State agency will—

"(i) ensure that no individual involved in the designation of the long-term care ombudsman (whether by appointment or otherwise) or the designation of the head of any subdivision of the Office is subject to a conflict of interest;

"(ii) ensure that no officer, employee, or other representative of the Office is subject to a conflict of interest; and

"(iii) ensure that mechanisms are in place to identify and remedy any such or other similar conflicts;

"(H) the State agency will—

"(i) ensure that adequate legal counsel is available to the Office for advice and consultation and that legal representation is provided to any representative of the Office against whom suit or other legal action is brought in connection with the performance of such representative's official duties; and

"(ii) ensure that the Office has the ability to pursue administrative, legal, and other appropriate remedies on behalf of residents of long-term care facilities;

"(I) the State agency will require the Office to—

"(i) prepare an annual report containing data and findings regarding the types of problems experienced and complaints received by or on behalf of individuals residing in long-term care facilities, and to provide policy, regulatory, and legislative recommendations to solve such problems and resolve such complaints and improve the quality of care and life in long-term care facilities;

"(ii) analyze and monitor the development and implementation of Federal, State, and local laws, regulations, and policies with respect to long-term care facilities and services in that State, and recommend any changes in such laws, regulations, and policies deemed by the Office to be appropriate;

"(iii) provide information to public agencies, legislators, and others, as deemed necessary by the Office, regarding the problems and concerns, including recommendations related to such problems and concerns, of older individuals residing in long-term care facilities;

"(iv) provide for the training of the Office staff, including volunteers and other representatives of the Office, in—

"(I) Federal, State, and local laws, regulations, and policies with respect to long-term care facilities in the State;

"(II) investigative techniques; and

"(III) such other matters as the State deems appropriate;

"(v) coordinate ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illness established under part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.) and under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (Public Law 99–319); and

"(vi) include any area or local ombudsman entity designated by the State Long-Term Care Ombudsman as a subdivision of the Office. Any representative of an entity designated in accordance with the preceding sentence (whether an employee or an unpaid volunteer) shall be treated as a representative of the Office for purposes of this paragraph;

"(J) the State will ensure that no representative of the Office will be liable under State law for the good faith performance of official duties;

"(K) the State will—

"(i) ensure that willful interference with representatives of the Office in the performance of their official duties (as defined by the Commissioner) shall be unlawful;

"(ii) prohibit retaliation and reprisals by a long-term care facility or other entity with respect to any resident or employee for having filed a complaint with, or providing information to, the Office; and

"(iii) provide for appropriate sanctions with respect to such interference, retaliation, and reprisals; and

"(iv) ensure that representatives of the Office shall have—

"(I) access to long-term care facilities and their residents; and

"(II) with the permission of a resident or resident's legal guardian, have access to review the resident's medical and social records or, if a resident is unable to consent to such review and has no legal guardian, appropriate access to the resident's medical and social records;

"(L) the State agency will prohibit any officer, employee, or other representative of the Office to investigate any complaint filed with the Office unless the individual has received such training as may be required under subparagraph (H)(iv) and has been approved by the long-term care ombudsman as qualified to investigate such complaints; and

"(M) the State agency will carry out the provisions of section 308(d);".

(e) ADMINISTRATION.—Section 308 of the Act (42 U.S.C. 2028) is amended by inserting at the end thereof the following new subsection:

"(d)(1) Each State agency shall, in any fiscal year in which amounts appropriated for part B of this title is equal to or less than the amount appropriated for such part in fiscal year 1987, carry out the requirement of sections 307(a)(12) and 307(a)(21) as in effect prior to the date of enactment of the Older Americans Act Amendments of 1987.

"(2) In any fiscal year in which the appropriations for part B of this title are greater than the appropriations for such part for fiscal year 1987, the State agency shall carry out the provisions of section 307(a)(12), as amended by the Older Americans Act Amendments of 1987. In any such fiscal year, the provisions of section 307(a)(21) shall not apply.

"(3) Amounts appropriated and available under part B of this title for ombudsman services under section 307(a)(12) may not be used to supplant State or local funds available for that purpose.".

FLEXIBILITY OF SERVICES; LEGAL ASSISTANCE

SEC. 130. (a) AREA PLANS.—(1) Section 306(a)(2) of the Act (42 U.S.C. 3026(a)(2)) is amended to read as follows:

"(2)(A) provide assurances that adequate services associated with access to services (transportation, outreach, information, and referral) are provided in the planning and service delivery area; and

"(B) provide assurances that an adequate proportion (as described in section 307(a)(22)) of the amount allotted for part B to the planning and service area will be expended for the delivery of legal assistance for older individuals;".

(2) Section 306(b)(1) of the Act is amended to read as follows:

"(b)(1) Each State, in approving area agency plans under this section, shall waive the requirement described in clause (2)(B) of subsection (a) if the area agency has demonstrated that the legal assistance services being furnished to older individuals are sufficient to meet the need for such services after taking into account services provided by the Legal Services Corporation, the private bar or groups within the private bar furnishing services to older individuals on a pro bono and established reduced fee basis in that planning and service delivery area.".

(3) Section 306(b)(2) of the Act is amended by adding at the end the following:

"(C) Whenever the State agency proposes to grant a waiver to an area agency under this subsection, the State agency shall publish the intention to grant such a waiver together with the justification for the waiver at least 30 days prior to the effective date of the decision to grant the waiver. An individual or a service provider from the area with respect to which the proposed waiver applies is entitled to request a hearing before the State agency on the request to grant such waiver. If, within the 30-day period described in the first sentence of this subparagraph, an individual or service provider requests a hearing under this subparagraph, the State agency shall afford such individual or provider an opportunity for a hearing.".

(b) STATE PLAN.—Section 307(a)(15) of the Act (42 U.S.C. 3027(a)(15)) is amended—

(1) by striking "and" at the end of subparagraph (C),

(2) by inserting "and" after the semicolon in subparagraph (D), and

(3) by adding at the end the following:

"(E) the plan contains assurances that if the State agency waives the requirement described in section 307(a)(22), the State agency will provide to the Commissioner—

"(i) a report regarding such waiver that details the demonstration made by the area agency on aging to obtain such waiver;

"(ii) a copy of the record of the public hearing conducted pursuant to section 306(b)(2)(A); and

"(iii) a copy of the record of any public hearing conducted pursuant to section 306(b)(2)(C).".

(c) MINIMUM EXPENDITURE OF FUNDS.—Section 307(a) of the Act (42 U.S.C. 3027(a)) is amended by adding at the end the following:

"(22) The plan shall specify a minimum percentage of the funds received by each area agency for part B that will be expended, in the absence of the waiver granted under section 306(b)(1), by such area agency to provide legal assistance.".

DOCUMENTATION REGARDING MINORITY PARTICIPATION

SEC. 131. (a) AREA PLANS.—Section 306(a)(5) of the Act (42 U.S.C. 3026(a)(5)) is amended—

(1) by inserting "(i)" after "(5)(A)", and

(2) in subparagraph (A)(i), as so redesignated—

(A) by striking out "and" at the end, and

(B) by inserting after clause (i) the following:

"(ii) provide assurances that the area agency will include in each agreement made with a provider of any service under this title, a requirement that such provider will—

"(I) specify how the provider intends to satisfy the service needs of low-income minority individuals in the area served by the provider; and

"(II) will attempt to provide services to low-income minority individuals in at least the same proportion as the population of low-income minority older individuals bears to the population of older individuals of the area served by such provider; and

"(iii) with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

"(I) identify the number of low-income minority older individuals in the planning and service area; and

"(II) describe the methods used to satisfy the service needs of such minority older individuals; and".

(b) STATE PLAN.—Section 307(a) of the Act (42 U.S.C. 3027(a)), as amended by section 130(c), is amended by adding at the end the following:

"(23) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

"(A) identify the number of low-income minority older individuals in the State; and

"(B) describe the methods used to satisfy the service needs of such minority older individuals.".

TARGETING OF SERVICES

SEC. 132. (a) ORGANIZATION.—(1) Section 305(a)(1)(E) of the Act (42 U.S.C. 3025(a)(1)(E)) is amended—

(A) by striking "the distribution of older individuals who have low incomes residing in such areas", and

(B) by inserting after "legal services," the following: "the distribution of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such areas, the distribution of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such areas,".

(2) Section 305(a)(2) of the Act is amended—

(A) by striking "and" at the end of subparagraph (D),

(B) by striking the period in subparagraph (E) and inserting a semicolon and "and", and

(C) by inserting after subparagraph (E) the following:

"(F) assure the use of outreach efforts that will identify individuals eligible for assistance under this Act, with special emphasis on older individuals with the greatest economic or social needs (with particular attention to low-income minority individuals) and inform such individuals of the availability of such assistance.".

(b) AREA PLANS.—Section 306(a) of the Act (42 U.S.C. 3026(a)) is amended—

(1) by inserting after "residing in such area" in paragraph (1) the following: ", the number of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such area, the number of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such area,",

(2) by inserting after "rural elderly," in paragraph (5)(B) the following: "older individuals who have greatest economic need (with particular attention to low-income minority individuals), and older individuals who have greatest social need (with particular attention to low-income minority individuals),", and

(3) by inserting before the semicolon at the end of paragraph (6)(A) the following: "and an annual evaluation of the effectiveness of outreach conducted under paragraph (5)(B)".

(c) STATE PLAN.—Section 307(a) of the Act (42 U.S.C. 3027(a)), as amended by sections 130(c) and 131(b), is amended—

(1) by inserting before the semicolon in paragraph (8) a comma and the following: "including an evaluation of the effectiveness of the State agency in reaching older individuals with the greatest economic or social needs, with particular attention to low-income minority individuals", and

(2) by adding at the end the following:

"(24) The plan shall provide assurances that the State agency will require outreach efforts that will—

"(A) identify older individuals who are eligible for assistance under this title, with special emphasis on older individuals with greatest economic need (with particular attention to low-income minority individuals), older individuals with greatest social need (with particular attention to low-income minority individuals), and older individuals who reside in rural areas; and

"(B) inform such individuals of the availability of such assistance.".

COORDINATION RELATING TO MENTAL HEALTH SERVICES

SEC. 133. Section 306(a)(6) of the Act (42 U.S.C. 3026(a)(6)), as amended by section 128, is amended—

(1) by striking out "and" in subparagraph (K); and

(2) by striking out the period at the end of subparagraph (L) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end the following:

"(M) coordinate any mental health services provided with funds expended by the area agency on aging for part B with the mental health services provided by community health centers and by other public agencies and nonprofit private organizations.".

SERVICES TO OLDER NATIVE AMERICANS

SEC. 134. (a) ORGANIZATION.—(1) Section 305(a)(1)(E) of the Act (42 U.S.C. 3025(a)(1)(E)), as amended by section 132(a), is amended by inserting "the distribution of older Indians residing in such areas," after "such areas," the second place it appears.

(2) Section 306(a)(1) of the Act, as amended by section 132(b), is amended by inserting ", and the number of older Indians," before "and" the last time it appears in the parenthetical.

(b) AREA PLANS.—Section 306(a)(6) of the Act (42 U.S.C. 2026(a)(6)), as amended by sections 128 and 133, is amended—

(1) by striking out "and" at the end of subparagraph (L);

(2) by striking out the period at the end of subparagraph (M) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end the following:

"(N) if there is a significant population of older Indians in the planning and service area of the area agency, the area agency shall conduct outreach activities to identify older Indians in such area and shall inform such older Indians of the availability of assistance under this Act.".

(c) EDUCATION AND TRAINING.—(1) Section 402 of the Act (42 U.S.C. 3030bb) is amended by adding at the end the following:

"(c) The Commissioner shall ensure that grants and contracts under this title are equitably awarded to agencies, organizations, and institutions representing minorities.".

(2) Section 410(5) of the Act is amended by inserting "(including centers of gerontology to improve, enhance, and expand minority personnel and training programs)" after "gerontology".

(3) Section 411(a) of the Act is amended by adding at the end the following:

"(4) To provide in-service training opportunities and courses of instruction on aging to Indian tribes through public and nonprofit Indian aging organizations.".

(4) The matter in parentheses in the first sentence of section 412(a) of the Act is amended by striking out "and" and inserting "and minority populations" after "services".

(5) Section 423(a) of the Act is amended by adding at the end the following:

"(4) The Commissioner shall ensure that grants and contracts under this section are equitably awarded to agencies, organizations, and institutions representing minorities.".

(6) Section 425(a) of the Act is amended—

(A) by striking "(1)" and "(2)" and inserting "(A)" and "(B)", respectively,

(B) by inserting "(1)" after "(a)", and

(C) by adding at the end the following:

"(2) The Commissioner shall carry out, directly or through grants or contracts, special training programs and technical assistance designed to improve services to minorities.".

(d) TASK FORCE.—(1) The Commissioner on Aging shall establish a permanent interagency task force that is representative of departments and agencies of the Federal Government with an interest in older Indians and their welfare and is designed to make recommendations with respect to facilitating the coordinations of services and the improvement of services to older Indians.

(2) The task force shall be chaired by the Associate Commissioner on Native American Aging and shall submit its findings and recommendations to the Commissioner at 6-month intervals beginning after the date of the enactment of this Act. Such findings and recommendations shall be included in the annual report required by section 207(a) to be submitted by the Commissioner.

(e) SPECIAL REPORT ON SERVICES FOR OLDER INDIANS.—(1) The Commissioner on Aging shall enter into a contract with a public agency or nonprofit private organization, to conduct a thorough study of the availability and quality of services under the Act to older Indians. The study shall include—

(A) an analysis of how many Indians now participate in programs under titles III and VI of such Act as compared to how many older Indians are eligible to participate in such programs,

(B) a description of how grants under titles III and VI of such Act are made to Indian tribes and how services are made available to older Indians, and

(C) a determination of what services are currently provided through title VI of such Act to older Indians and how well the Administration on Aging assures that supportive services under title VI of such Act to Indians are commensurate with supportive services under title III of such Act with special consideration to information and referral services, legal services, transportation services, and the ombudsman services.

(2) Not later than December 31, 1988, the Commissioner on Aging shall prepare and submit to the Congress a report on the study required by this subsection, together with such recommendations, including recommendations for legislation, as the Commissioner considers to be appropriate.

SERVICES TO INDIVIDUALS WITH DISABILITIES

SEC. 135. (a) DEFINITIONS.—(1) Section 302(11) of the Act (42 U.S.C. 3022) is amended by inserting after "health" the following: "(including mental health)".

(2) Section 302 of the Act is amended by adding at the end thereof the following:

"(13) The term 'individual with disabilities' means an individual—

"(A) who has a disability attributable to mental or physical impairment or a combination of mental and physical impairments that result in substantial functional limitations in one or more of the following areas of major life activity: (i) self-care, (ii) receptive and expressive language,

(iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, (vii) economic self-sufficiency, (viii) cognitive functioning, and (ix) emotional adjustment; and

"(B) who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke, epilepsy, Parkinson's disease, Alzheimer's disease and related dementia), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined to cause comparable substantial functional limitation.

"(14) The term 'severe disability' means a severe, chronic disability of an individual that—

"(A) is likely to continue indefinitely;

"(B) results in substantial functional limitation in three or more of the major life activities specified in paragraph (13)(A) (i) through (vii); and

"(C) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.".

(b) ORGANIZATION.—Section 305(a)(2) of the Act, as amended by section 132(a)(2), is amended—

(1) by striking out "and" at the end of subparagraph (E);

(2) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new subparagraph:

"(G) provide assurances that the State agency will consult with State and area agencies with primary responsibility for individuals with disabilities, including severe disabilities, and develop collaborative programs, where appropriate, to meet the needs of older individuals with disabilities.".

(c) AREA PLANS.—Section 306(a)(5)(B) of the Act, as amended by section 132(b)(2), is amended by inserting after "individuals)," the second time it appears the following: "elderly with severe disabilities,".

(d) STATE PLANS.—(1) Section 307(a)(3)(A) of the Act is amended by inserting after "legal assistance" in the parenthetical the following: "and mental health services".

(2) Section 307(a)(13)(I) of the Act is amended by inserting before the semicolon at the end thereof a comma and the following: "and to individuals with disabilities who reside with and accompany older individuals who are eligible under this Act".

(3) Section 307(a) of the Act, as amended by sections 130(c), 131(b), and 132(c), is amended by adding after paragraph (24) the following new paragraph:

"(25) The plan shall provide, with respect to the needs of older individuals with severe disabilities, assurances that the State will—

"(A) coordinate planning, identification, assessment of needs, and service for older individuals with disabilities with particular attention to individuals with severe disabilities with the State agencies with primary responsibility for individuals with disabilities, including severe disabilities, and develop collaborative programs, where appropriate, to meet the needs of older individuals with disabilities; and

"(B) with respect to the needs of older individuals with developmental disabilities, coordinate planning with the State developmental disabilities planning council designated under section 124(a)(1) of the Developmental Disabilities Act.".

(e) SUPPORTIVE SERVICES.—(1) Section 321(a)(1) of the Act is amended by inserting after "health" the following: "(including mental health)".

(2) Section 321(a)(4)(B) of the Act is amended by striking out "suffering from physical disabilities" and inserting in lieu thereof "who have physical disabilities".

(3) Section 321 is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) The Commissioner shall encourage area agencies on aging to enter into interagency or other formal agreements with public agencies or private organizations furnishing mental health services to ensure a coordinated approach in meeting the mental health and psychosocial needs of older individuals.".

CONFIDENTIALITY OF INFORMATION RELATING TO LEGAL ASSISTANCE PROVIDED

SEC. 136. (a) AREA AGENCY ON AGING.—Section 306 of the Act (42 U.S.C. 3026), as amended by section 130(b), is amended by adding at the end the following:

"(d) An area agency on aging may not require any provider of legal assistance under this title to reveal any information that is protected by the attorney-client privilege.".

(b) STATE AND STATE AGENCY.—Section 307 of the Act (42 U.S.C. 3027) is amended by adding at the end the following:

"(g) Neither a State, nor a State agency, may require any provider of legal assistance under this title to reveal any information that is protected by the attorney-client privilege.".

COORDINATION OF COMMUNITY-BASED SERVICES

SEC. 137. Section 307(a) of the Act (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), 132(c), and 135(d), is amended by inserting after paragraph (25) the following:

"(26) The plan shall provide assurances that area agencies on aging will conduct efforts to facilitate the coordination of community-based, long-term care services, pursuant to section 306(a)(6)(I), for older individuals who—

"(A) reside at home and are at risk of institutionalization because of limitations on their ability to function independently;

"(B) are patients in hospitals and are at risk of prolonged institutionalization; or

"(C) are patients in long-term care facilities, but who can return to their homes if community-based services are provided to them.".

PAYMENTS

SEC. 138. Section 309(c) of the Act (42 U.S.C. 3029(c)) is amended—

(1) by inserting "average annual" after "less than its", and

(2) by striking "preceding fiscal year" and inserting "period of 3 fiscal years preceding such year".

IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS

SEC. 139. (a) AUTHORIZATION OF APPROPRIATIONS.—Section 303 of the Act (42 U.S.C. 3023), as amended by section 123, is amended by adding at the end the following:

"(d) There are authorized to be appropriated $25,000,000 for fiscal year 1988, $26,250,000 for fiscal year 1989, $27,563,000 for fiscal year 1990, $28,941,000 for fiscal year 1991, and $30,388,000 for fiscal year 1992 for the purpose of making grants under part D of this title (relating to in-home services).".

(b) AREA PLANS.—Section 306(a) of the Act (42 U.S.C. 3026(a)) is amended—

(1) by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon and "and"; and

(2) by inserting after paragraph (6) the following:

"(7) provide assurances that any amount received under part D will be expended in accordance with such part.".

(c) STATE PLANS.—(1) Section 307(a)(10) of the Act (42 U.S.C. 3027(a)(10)) is amended by inserting "and in-home services (as defined in section 342(1))" after "nutrition services".

(2) Section 307(a) of the Act (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), 132(c), 135(d), and 137, is amended by inserting after paragraph (26) the following:

"(27) Each such plan shall provide assurances of consultation and coordination in planning and provision of in-home services under section 341 with State and local agencies and private nonprofit organizations which administer and provide services relating to health, social services, rehabilitation, and mental health services.".

(d) PROGRAM.—Title III of the Act is amended by adding at the end the following:

"PART D—IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS

"PROGRAM AUTHORIZED

"SEC. 341. (a) With funds appropriated to carry out this part, the Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to provide in-

home services to frail older individuals, relating to the individual's environment and functional support needs, including in-home supportive services for older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and to the families of such victims.

"(b) In carrying out the provisions of this part, each area agency shall coordinate with other community agencies and voluntary organizations providing counseling and training for family caregivers and support service personnel in management of care, functional and needs assessment services, assistance with locating, arranging for, and coordinating services, case management, and counseling prior to admission to nursing home to prevent premature institutionalization.

"DEFINITIONS

"SEC. 342. For purposes of this part—

"(1) the term 'in-home service' includes—

"(A) homemaker and home health aides;

"(B) visiting, telephone reassurance, and personal emergency response;

"(C) chore maintenance;

"(D) respite care for families, including adult day care; or

"(E) minor remodeling of homes necessary to facilitate the ability of older individuals to remain at home, and not covered by other programs; and

"(2) the term 'frail' means having a physical or mental disability, including having Alzheimer's disease or related disorders with neurological or organic brain dysfunction, that restricts the ability of an individual to perform normal daily tasks or which threatens the capacity of an individual to live independently.

"STATE CRITERIA

"SEC. 343. The State agency shall develop eligibility criteria for providing in-home services to frail older individuals which shall take into account—

"(1) age;

"(2) greatest economic need;

"(3) noneconomic factors contributing to the frail condition; and

"(4) noneconomic and nonhealth factors contributing to the need for such services.

"MAINTENANCE OF EFFORT

"SEC. 344. Funds made available under this part shall be in addition to, and may not be used to supplant, any funds that are or would otherwise be expended under any Federal, State, or local law by a State or unit of general purpose local government (including area agencies on aging which have in their planning and services areas existing services which primarily serve older individuals who are victims of Alzheimer's disease and related disorders with neu-

rological and organic brain dysfunction, and the families of such victims).".

STATE PLAN INFORMATION REGARDING SERVICES TO OLDER INDIVIDUALS RESIDING IN RURAL AREAS

SEC. 140. Section 307(a) of the Act (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), 132(c), 135(d), 137, and 139(c)(2), is amended by adding after paragraph (27) the following:

"(28) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared, describe the methods used to satisfy the service needs of older individuals who reside in rural areas.".

HEALTH EDUCATION AND PROMOTION FOR OLDER AMERICANS

SEC. 141. (a) AUTHORIZATION OF APPROPRIATIONS.—Section 303 of the Act (42 U.S.C. 3023), as amended by sections 123 and 139(a), is amended by adding at the end thereof the following:

"(e) There are authorized to be appropriated $5,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, 1991, and 1992 for the purpose of making grants under part E of this title (relating to periodic preventive health, health education, and promotion services).".

(b) AREA PLANS.—Section 306(a) of the Act, as amended by section 139, is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon and "and"; and

(3) by inserting after paragraph (7) the following:

"(8) provide assurances that any amount received under part E will be expended in accordance with such part; and".

(c) PROGRAM.—Title III of the Act, as amended by section 139, is further amended by adding at the end thereof the following:

"PART E—PREVENTIVE HEALTH SERVICES

"PROGRAM AUTHORIZED

"SEC. 351. (a) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 for periodic preventive health services to be provided at senior centers or alternative sites as appropriate.

"(b) Preventive health services under this part may not include services eligible for reimbursement under Medicare.

"(c) The Commissioner shall, to the extent possible, assure that services provided by other community organizations and agencies are used to carry out the provisions of this part.

"DISTRIBUTION TO AREA AGENCIES

"SEC. 352. The State agency shall give priority, in carrying out this part, to areas of the State—

"(1) which are medically underserved; and

"(2) in which there are a large number of other individuals who have the greatest economic need for such services.

"DEFINITIONS

"SEC. 353. For the purpose of this part and section 307 the term 'preventive health services' means—

"(1) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision and hearing screening;

"(2) group exercise programs;

"(3) home injury control services, including screening of high-risk home environments and educational programs on injury protection in the home environment;

"(4) nutritional counseling and educational services;

"(5) screening for the prevention of depression, coordination of community mental health services, educational activities, and referral to psychiatric and psychological services;

"(6) educational programs on the benefits and limitations of Medicare and various supplemental insurance coverage, including individual policy screening and health insurance-needs counseling; and

"(7) counseling regarding followup health services based on any of the services provided for above.".

PREVENTION OF ABUSE OF OLDER INDIVIDUALS

SEC. 142. (a) DEFINITIONS.—Section 302 of the Act (42 U.S.C. 3022), as amended by section 135(a), is amended by adding at the end the following:

"(15) The term 'abuse' means the willful—

"(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm or pain or mental anguish; or

"(B) deprivation by a caretaker of goods or services which are necessary to avoid physical harm, mental anguish, or mental illness.

"(16) The term 'elder abuse' means abuse of an older individual.

"(17) The term 'caretaker' means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, receipt of payment for care, as a result of family relationship, or by order of a court of competent jurisdiction.

"(18) The term 'exploitation' means the illegal or improper act or process of a caretaker using the resources of an older individual for monetary or personal benefit, profit, or gain.

"(19) The term 'neglect' means the failure to provide for oneself the goods or services which are necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.

"(20) The term 'physical harm' means bodily pain, injury, impairment, or disease.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 303 of the Act, as amended by sections 123, 139(a), and 141(a), is amended by adding at the end the following:

"(f) There are authorized to be appropriated $5,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal

years 1989, 1990, 1991, and 1992 to carry out part F (relating to abuse, neglect, and exploitation of older individuals).

(c) AREA PLANS.—Section 306(a) of the Act, as amended by section 139(b), is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon and "and", and

(3) by inserting after paragraph (7) the following:

"(8) provide assurances that any amount received under part F will be expended in accordance with such part.".

(d) STATE PLAN.—(1) Section 307(a)(16) of the Act is amended by striking "provide" the second time it appears and inserting ", if funds are not appropriated under section 303(f) for a fiscal year, provide that for such fiscal year".

(2) Section 307(a) of the Act, as amended by sections 130(c), 131(b), 132(c), 135(d), 137, 139(c)(2), and 140, is amended by adding at the end the following:

"(29) The plan shall provide assurances that if the State receives funds appropriated under section 303(f), the State agency and area agencies on aging will expend such funds to carry out part F.".

(e) ABUSE, NEGLECT, AND EXPLOITATION OF OLDER INDIVIDUALS.—Title III of the Act is amended by adding at the end the following:

"PART F—ABUSE, NEGLECT, AND EXPLOITATION OF OLDER INDIVIDUALS

"PROGRAM AUTHORIZED

"SEC. 361. The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to carry out a program with respect to the prevention of abuse, neglect, and exploitation of older individuals. The program shall—

"(1) be consistent with relevant State law and coordinated with State adult protective service activities and other State and local elder abuse prevention and protection;

"(2) provide for—

"(A) public education and outreach services to identify and prevent abuse, neglect, and exploitation of older individuals;

"(B) receipt of reports of such abuse, neglect, and exploitation;

"(C) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance if appropriate and with the consent of the older individuals to be referred; and

"(D) the referral of complaints and other reports of abuse, neglect, or exploitation of older individuals to law enforcement agencies, public protective service agencies, licensing and certification agencies, ombudsman programs, or protection and advocacy system if appropriate;

"(3) not permit involuntary or coerced participation in such program by alleged victims, abusers, or their households; and

"(4) require that all information gathered in the course of receiving such a complaint or report, and making such a referral, shall remain confidential unless—

"(A) all parties to such complaint or report consent in writing to the release of such information; or

"(B) the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system.".

ASSISTIVE TECHNOLOGY SERVICES

SEC. 143. (a) FUNCTIONS OF THE COMMISSIONER.—Section 202(a)(5) of the Act (42 U.S.C. 3012(a)(5)) is amended by inserting after "supportive services" the following: "(including assistive technology services)".

(b) GENERAL RULE.—Section 302(a) of the Act, as amended by section 135 and 142, is amended by adding at the end thereof the following:

"(21) The term 'supportive services' includes assistive technology services.

"(22) The term 'assistive technology services' means services designed to apply technology, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with functional limitations.".

PART C—DEMONSTRATION GRANTS

DEMONSTRATION PROJECTS; PURPOSE

SEC. 151. Section 401(1) of the Act (42 U.S.C. 3030aa) is amended by inserting the following before the semicolon a comma and the following: "with special emphasis on minority individuals, low-income individuals, frail individuals, and individuals with disabilities".

MULTIDISCIPLINARY CENTERS

SEC. 152. Section 412(a) of the Act (42 U.S.C. 3032(a)) is amended by striking "may" and inserting "shall".

VOLUNTEER OPPORTUNITIES

SEC. 153. Section 422(b) of the Act (42 U.S.C. 3035a) is amended—

(1) by striking out "and" at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting a semicolon and the word "and"; and

(3) by adding at the end thereof the following:

"(9) provide expanded, innovative volunteer opportunities to older individuals which are designed to fulfill unmet community needs, while at the same time avoiding duplication of existing volunteer programs, which may include—

"(A) projects furnishing intergenerational services by older individuals addressing the needs of children, such as—

"(i) tutorial services in elementary and special schools;

"(ii) after school programs for latch key children;

"(iii) voluntary services for day care center programs; and

"(B) volunteer service credit projects operated in conjunction with ACTION, permitting elderly volunteers to earn credits for services furnished, which may later be redeemed for similar volunteer services.".

SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE

SEC. 154. Section 423(a)(1) of the Act (42 U.S.C. 3035b(a)(1)), as amended by section 134(c)(5), is amended by striking "may" and inserting "shall".

DEMONSTRATION PROGRAM OF OUTREACH TO ELDERLY SSI, MEDICAID, AND FOOD STAMP ELIGIBLES

SEC. 155. (a) DEMONSTRATION PROGRAM AUTHORIZED.—Part B of title IV of the Act is amended by adding at the end thereof the following new section:

"DEMONSTRATION PROGRAM OF OUTREACH TO ELDERLY SSI, MEDICAID, AND FOOD STAMP ELIGIBLES

"SEC. 427. (a) The Commissioner is authorized to make grants to, or enter into contracts with, State agencies on aging and area agencies on aging for the conduct of demonstration projects designed to demonstrate the feasibility of conducting outreach activities for older individuals who are eligible for but not receiving benefits under title XVI of the Social Security Act (or assistance under a State plan program under title XVI of that Act) relating to supplemental security income benefits, under title XVIIII of the Social Security Act, relating to medical assistance benefits, and benefits under the Food Stamp Act of 1977, in order to assist such individuals in applying for such benefits.

"(b) Grants and contracts under this section may be used for—

"(1) identifying older individuals with the greatest economic need who may be eligible for assistance described in subsection (a);

"(2) for outreach activities for planning in service in area agencies on aging for such individuals; and

"(3) for application assistance for such individuals.

"(c) No grant may be made and no contract may be entered into under this section unless an application is made to the Commissioner at such time, in such manner, and containing such information as the Commissioner may reasonably require. Each such application shall—

"(1) describe the activities for which assistance is sought;

"(2) provide for an evaluation of the activities for which assistance is sought; and

"(3) provide assurances that the applicant will prepare and submit to the Commissioner a report of the activities conducted with assistance under this section and the evaluation of that assistance.

"(d) In approving applications under this section, the Commissioner shall assure a geographic equitable distribution of assistance.

"(e) The Commissioner shall, as part of the annual report submitted under section 207, prepare and submit a report on the evaluations submitted under this section, together with such recommendations as the Commissioner may deem appropriate. In carrying out this section, the Commissioner shall consider—

"(1) the number of older individuals reached through outreach activities supported under this section;

"(2) the dollar amount of benefits to older individuals;

"(3) the cost of the activities in terms of the number of individuals reached and the benefit dollars involved; and

"(4) the effect on supportive services and nutrition services furnished under title III of this Act.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 431(a) of the Act is amended—

(1) by inserting "(1)" after the subsection designation;

(2) by inserting "(other than section 427)" after "title"; and

(3) by adding at the end thereof the following new paragraph:

"(2) There are authorized to be appropriated $3,000,000 for the fiscal year 1988 and such sums for each of the 4 succeeding fiscal years to carry out the provisions of section 427.".

(c) OUTREACH AND APPLICATION ASSISTANCE FUNCTIONS OF ADMINISTRATION ON AGING.—Section 202(a) of the Act, as amended by sections 103(a) and 106(a), is amended—

(1) by striking out "and" at the end of paragraph (19);

(2) by striking out the period at the end of paragraph (20) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end the following:

"(21) obtain from—

"(A) the Department of Agriculture information explaining the requirements for eligibility to receive benefits under the Food Stamp Act of 1977; and

"(B) the Social Security Administration information explaining the requirements for eligibility to receive supplemental security income benefits under title XVI of the Social Security Act (or assistance under a State plan program under title XVI of that Act);

and distribute such information, in written form, to State agencies, for redistribution to area agencies on aging, to carry out outreach activities and application assistance.".

DEMONSTRATION GRANTS FOR INDIVIDUALS WITH DISABILITIES

SEC. 156. (a) TRAINING.—Section 411(c) of the Act (42 U.S.C. 3031(c)) is amended—

(1) by striking out "custodial and skilled care for older individuals who suffer from" and inserting in lieu thereof "services to individuals with disabilities and to individuals with", and

(2) by striking out "other neurological and organic brain disorders of the Alzheimer's type" and inserting in lieu thereof

"and related disorders with neurological and organic brain dysfunction".

(b) MULTIDISCIPLINARY CENTERS.—(1) Section 412(a) of the Act, as amended by sections 105(e) and 134(c)(4), is amended by inserting before "income maintenance" the following: "disabilities (including severe disabilities),".

(2) Section 412(a) of the Act, as amended by sections 105(e) and 134(c) in paragraph (1) of this subsection is further amended by inserting after "supportive services" the following: "(including assistive technology services),".

(c) SPECIAL PROJECT.—Part A of title IV of the Act is amended by adding at the end thereof the following new section:

"SPECIAL DISABILITIES TRAINING PROJECT

"SEC. 413. The Commissioner is authorized to make grants to any public agency or private nonprofit organization and may enter into contracts with any public agency or private nonprofit organization to develop and provide training programs to service providers under title III of this Act and nursing home care providers to meet the special service needs of older individuals with disabilities and who are residing either in the community or in nursing care facilities.".

(d) DEMONSTRATION GRANTS.—(1) Section 422(b)(2)(A) of the Act is amended by inserting after "mental health services" the following: "or who have severe disabilities".

(2) Section 422(b)(2) of the Act is amended—

(A) by striking out "and" at the end of subclause (C); and

(B) by adding after subclause (D) the following new subclauses:

"(E) the identification and provision of services to elderly individuals with severe disabilities; and

"(F) the provision of rehabilitation services, and communication aids and devices to assist older individuals with severe disabilities.".

(3) Section 422(b) of the Act, as amended by section 153, is amended—

(A) by striking out the "and" at the end of paragraph (8),

(B) by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and "and", and

(C) by adding after paragraph (9) the following new paragraph:

"(10) address the needs of older individuals through the use of assistive technology services by studying and demonstrating methods of increasing the awareness of, the access to, and the use of assistive technology services for older individuals designed to increase their functional independence;".

(e) LONG-TERM CARE SPECIAL PROJECTS.—Section 423(a)(3) of the Act is amended by inserting after "geriatric health maintenance organizations" a semicolon and the following: "services to older individuals with severe disabilities residing in nursing homes".

(f) ADDITIONAL SPECIAL PROJECTS.—(1) Part B of title IV of the Act, as amended by section 155, is further amended by adding at the end thereof the following:

"OMBUDSMAN AND ADVOCACY DEMONSTRATION PROJECTS

"SEC. 428. (a) The Commissioner is authorized to make grants to not less than three nor more than ten States to demonstrate and evaluate cooperative projects between the State long-term care ombudsman program and the State protection and advocacy systems for developmental disabilities and mental illness, established under part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.) and under the protection and Advocacy for Mentally Ill Individuals Act of 1986 (Public Law 99-319).

"(b) The Commissioner on Aging shall prepare and submit to the Congress after each fiscal year a report of the study and evaluation required by paragraph (1) of this section. Each such report shall contain such recommendations as the Commissioner on Aging deems appropriate.".

(2) Section 431(a) of the Act, as amended by section 154(b), is amended by—

(A) by striking out "section 427" in the parenthetical and inserting in lieu thereof "sections 427 and 428"; and

(B) by adding at the end thereof the following:

"(3) There are authorized to be appropriated $1,000,000 for each of the fiscal years 1988 and 1989 to carry out the provisions of section 428. The funds appropriated pursuant to this subsection shall remain available for expenditure for the succeeding fiscal year.".

HOME-CARE QUALITY ASSURANCE DEMONSTRATION PROJECTS

SEC. 157. (a) DEMONSTRATION PROGRAM AUTHORIZED.—Part B of title IV of the Act, as amended by sections 155 and 156, is further amended by adding at the end thereof the following:

"HOME-CARE QUALITY ASSURANCE DEMONSTRATION PROJECTS

"SEC. 429. (a)(1) The Commissioner is authorized to make grants to not less than six nor more than ten States to demonstrate and evaluate the effectiveness of a home-care quality assurance program for in-home care services for older individuals furnished under this Act.

"(2) For the purposes of this section 'quality assurance program' includes quality assurances with respect to in-home care services and may include the availability of consumer education services, services involving the use of consumer hotlines, ombudsman services, legal assistance services, protection and advocacy services, and the use of community service agencies.

"(b) No grant may be made and no contract may be entered into under this section unless an application is made to the Commissioner at such time, in such manner, and containing such information as the Commissioner may reasonably require. Each such application shall—

"(1) describe activities for which assistance is sought;

"(2) provide for an evaluation of the activities for which assistance is sought; and

"(3) provide assurances that the applicant will prepare and submit a report to the Commissioner on the activities conduct-

ed with assistance under this section and the evaluation of that assistance.

"(c) In approving applications under this section, the Commissioner shall assure equitable geographic distribution of assistance.

"(d) The Commissioner shall, as part of the annual report submitted under section 207, prepare and submit a report on the evaluation submitted under this section together with such recommendations as the Commissioner may deem appropriate. In carrying out this section, the Commissioner shall include in the report—

"(1) a description of the demonstration projects assisted under this section;

"(2) an evaluation of the effectiveness of each such project; and

"(3) recommendations of the Commissioner with respect to the desirability and feasibility of carrying out on a nation-wide basis the home-care consumer quality assurance program.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 431(a) of the Act, as amended by sections 154(b) and 155(f)(2), is amended—

(1) by striking out "sections 427 and 428" in the parenthetical and inserting in lieu thereof "section 427, 428, and 429"; and

(2) by adding at the end thereof the following:

"(3) There are authorized to be appropriated $2,000,000 for each of the fiscal years 1989 and 1990 to carry out the provisions of section 429.".

AUTHORIZATION OF APPROPRIATIONS FOR TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

SEC. 158. Section 431(a)(1) of the Act, as amended by sections 154(b), 155(f)(2), and 156(b), is amended to read as follows:

"SEC. 431. (a)(1) There are authorized to be appropriated to carry out the provisions of this title $32,970,000 for the fiscal year 1988, $34,619,000 for the fiscal year 1989, $36,349,000 for the fiscal year 1990, $38,167,000 for the fiscal year 1991, and $40,075,000 for the fiscal year 1992.".

PART D—COMMUNITY SERVICE EMPLOYMENT

ADMINISTRATIVE COSTS OF EMPLOYMENT PROJECTS

SEC. 161. Paragraph (3) of section 502(c) of the Act (42 U.S.C. 3056(c)(3)) is amended to read as follows:

"(3) Of the amount for any project to be paid by the Secretary under this subsection, not more than 13.5 percent for fiscal year 1987 and each fiscal year thereafter shall be available for paying the costs of administration for such project, except that—

"(A) whenever the Secretary determines that it is necessary to carry out the project assisted under this title, based on information submitted by the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b), the Secretary may increase the amount available for paying the cost of administration to an amount not more than 15 percent of the cost of such project; and

"(B) whenever the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b) demonstrates to the Secretary that—

"(i) major administrative cost increases are being incurred in necessary program components, including liability insurance, payments for workmen's compensation, costs associated with achieving unsubsidized placement goals, and other operation requirements imposed by the Secretary;

"(ii) the number of employment positions in the project or the number of minority eligible individuals participating in the project will decline if the amount available for paying the cost of administration is not increased; or

"(iii) the size of the project is so small that the amount of administrative expenses incurred to carry out the project necessarily exceed 13.5 percent of the amount for such project;

the Secretary shall increase the amount available for the fiscal year for paying the cost of administration to an amount not more than 15 percent of the cost of such project.".

COMMUNITY SERVICE EMPLOYMENT FOR OLDER INDIANS

SEC. 162. (a) PROGRAM ASSURANCE.—Section 502(b)(1)(M) of the Act (42 U.S.C. 3056) is amended to read as follows:

"(M) will assure, that to the extent feasible, such project will serve the needs of minority, limited English-speaking, and Indian eligible individuals in proportion to their numbers in the State and take into consideration their rates of poverty and unemployment;".

(b) RESERVATION OF FUNDS.—Section 506(a)(1)(A) of the Act is amended by inserting after the first sentence the following: "The Secretary shall next reserve such sums as may be necessary for national grants or contracts with public or nonprofit national Indian aging organizations with the ability to provide employment services to older Indians and with national public or nonprofit Pacific/Asian organizations, but only in a fiscal year in which the amount available under this title exceeds the amount appropriated for fiscal year 1987.".

DEFINITION OF COMMUNITY SERVICES

SEC. 163. Section 507(3) of the Act (42 U.S.C. 3056e(3)) is amended by inserting "(particularly literacy tutoring)" after "educational services".

AUTHORIZATION OF APPROPRIATIONS FOR COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SEC. 164. Section 508(a)(1) of the Act (42 U.S.C. 3056f(a)(1)) is amended to read as follows:

"(1) $386,715,000 for the fiscal year 1988, $406,051,000 for the fiscal year 1989, $426,353,000 for the fiscal year 1990, $447,671,000 for the fiscal year 1991, and $470,055,000 for the fiscal year 1992; and".

EMPLOYMENT ASSISTANCE AND OTHER PROGRAMS

SEC. 165. Title V of the Act (42 U.S.C. 3056-3056f) is amended by adding at the end the following:

"EMPLOYMENT ASSISTANCE AND FEDERAL HOUSING AND FOOD STAMP PROGRAMS

"SEC. 509. Funds received by eligible individuals from projects carried out under the program established in this title shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other persons, to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977.".

PART E—NATIVE AMERICAN PROGRAMS

NATIVE AMERICAN PROGRAMS

SEC. 171. Title VI of the Act (42 U.S.C. 3057-3057g) is amended to read as follows:

"TITLE VI—GRANTS FOR NATIVE AMERICANS

"STATEMENT OF PURPOSE

"SEC. 601. It is the purpose of this title to promote the delivery of supportive services, including nutrition services to American Indians, Alaskan Natives, and Hawaiian Natives that are comparable to services provided under title III.

"FINDINGS; SENSE OF CONGRESS

"SEC. 602. (a) The Congress finds that the older Indians of the United States—

"(1) are a rapidly increasing population;

"(2) suffer from high unemployment;

"(3) live in poverty at a rate estimated to be as high as 61 percent;

"(4) have a life expectancy between 3 and 4 years less than the general population;

"(5) lack sufficient nursing homes, other long-term care facilities, and other health care facilities;

"(6) lack sufficient Indian area agencies on aging;

"(7) frequently live in substandard and over-crowded housing;

"(8) receive less than adequate health care;

"(9) are served under this title at a rate of less than 19 percent of the total national Indian elderly population living on Indian reservations; and

"(10) are served under title III of this Act at a rate of less than 1 percent of the total participants under that title.

"(b) The Congress finds the elderly Hawaiian Natives—

"(1) have a life expectancy 10 years less than any other ethnic group in the State of Hawaii;

"(2) rank lowest on 9 of 11 standard health indicies for all ethnic groups in Hawaii;

"(3) are often unaware of social services and do not know how to go about seeking such assistance; and

"(4) live in poverty at a rate of 34 percent.

"(c) It is the sense of the Congress that older Indians, older Alaskan Natives, and older Hawaiian Natives are a vital resource entitled to all benefits and services available and that such services and benefits should be provided in a manner that preserves and restores their respective dignity, self-respect, and cultural identities.

"PART A—INDIAN PROGRAM

"ELIGIBILITY

"SEC. 611. (a) A tribal organization of an Indian tribe is eligible for assistance under this part only if—

"(1) the tribal organization represents at least 50 individuals who have attained 60 years of age or older; and

"(2) the tribal organization demonstrates the ability to deliver supportive services, including nutritional services.

"(b) For the purposes of this part the terms 'Indian tribe' and 'tribal organization' have the same meaning as in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"GRANTS AUTHORIZED

"SEC. 612. The Commissioner may make grants to eligible tribal organizations to pay all of the costs for delivery of supportive services and nutrition services for older Indians.

"APPLICATIONS

"SEC. 613. (a) No grant may be made under this part unless the eligible tribal organization submits an application to the Commissioner which meets such criteria as the Commissioner may by regulation prescribe. Each such application shall—

"(1) provide that the eligible tribal organization will evaluate the need for supportive and nutrition services among older Indians to be represented by the tribal organization;

"(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;

"(3) provide that the tribal organization will make such reports in such form and containing such information, as the Commissioner may reasonably require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

"(4) provide for periodic evaluation of activities and projects carried out under the application;

"(5) establish objectives consistent with the purposes of this part toward which activities under the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the tribal organization proposes to overcome such obstacles;

"(6) provide for establishing and maintaining information and referral services to assure that older Indians to be served

by the assistance made available under this part will have reasonably convenient access to such services;

"(7) provide a preference for Indians aged 60 and older for full or part-time staff positions wherever feasible;

"(8) provide assurances that either directly or by way of grant or contract with appropriate entities nutrition services will be delivered to older Indians represented by the tribal organization substantially in compliance with the provisions of part C of title III, except that in any case in which the need for nutritional services for older Indians represented by the tribal organization is already met from other sources, the tribal organization may use the funds otherwise required to be expended under this clause for supportive services;

"(9) contain assurances that the provisions of sections 307(a)(14)(A) (i) and (iii), 307(a)(14)(B), and 307(a)(14)(C) will be complied with whenever the application contains provisions for the acquisition, alteration, or renovation of facilities to serve as multipurpose senior centers;

"(10) provide that any legal or ombudsman services made available to older Indians represented by the tribal organization will be substantially in compliance with the provisions of title III relating to the furnishing of similar services; and

"(11) provide satisfactory assurance that fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the tribal organization, including any funds paid by the tribal organization to a recipient of a grant or contract.

"(b) For the purpose of any application submitted under this part, the tribal organization may develop its own population statistics, with certification from the Bureau of Indian Affairs, in order to establish eligibility.

"(c) The Commission shall approve any application which complies with the provisions of subsection (a).

"(d) Whenever the Commissioner determines not to approve an application submitted under subsection (a) the Commission shall—

"(1) state objections in writing to the tribal organization within 60 days after such decision;

"(2) provide to the extent practicable technical assistance to the tribal organization to overcome such stated objections; and

"(3) provide the tribal organization with a hearing, under such rules and regulations as the Commissioner may prescribe.

"(e) Whenever the Commissioner approves an application of a tribal organization under this part, funds shall be awarded for not less than 12 months.

"SURPLUS EDUCATIONAL FACILITIES

"SEC. 614. (a) Notwithstanding any other provision of law, the Secretary of the Interior through the Bureau of Indian Affairs shall make available surplus Indian educational facilities to tribal organizations, and nonprofit organizations with tribal approval, for use as multipurpose senior centers. Such centers may be altered so as to provide extended care facilities, community center facilities,

nutrition services, child care services, and other supportive services.

"(b) Each eligible tribal organization desiring to take advantage of such surplus facilities shall submit an application to the Secretary of the Interior at such time and in such manner, and containing or accompanied by such information, as the Secretary of the Interior determines to be necessary to carry out the provisions of this section.

"PART B—HAWAIIAN NATIVES PROGRAM

"ELIGIBILITY

"SEC. 621. A public or nonprofit private organization having the capacity to provide services under this part for Hawaiian Natives is eligible for assistance under this part only if—

"(1) the organization will serve at least 50 individuals who have attained 60 years of age or older; and

"(2) the organization demonstrates the ability to deliver supportive services, including nutrition services.

"GRANTS AUTHORIZED

"SEC. 622. The Commissioner may make grants to public and nonprofit private organizations to pay all of the costs for the delivery of supportive services and nutrition services to older Hawaiian Natives.

"APPLICATION

"SEC. 623. (a) No grant may be made under this part unless the public or nonprofit private organization submits an application to the Commissioner which meets such criteria as the Commissioner may by regulation prescribe. Each such application shall—

"(1) provide that the organization will evaluate the need for supportive and nutrition services among older Hawaiian Natives to be represented by the organization;

"(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;

"(3) provide assurances that the organization will coordinate its activities with the State agency on aging;

"(4) provide that the organization will make such reports in such form and containing such information as the Commissioner may reasonably require, and comply with such requirements as the Commissioner may impose to ensure the correctness of such reports;

"(5) provide for periodic evaluation of activities and projects carried out under the application;

"(6) establish objectives, consistent with the purpose of this title, toward which activities described in the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the organization proposes to overcome such obstacles;

"(7) provide for establishing and maintaining information and referral services to assure that older Hawaiian Natives to

be served by the assistance made available under this part will have reasonably convenient access to such services;

"(8) provide a preference for Hawaiian Natives age 60 and older for full or part-time staff positions wherever feasible;

"(9) provide that any legal or ombudsman services made available to older Hawaiian Natives represented by the nonprofit private organization will be substantially in compliance with the provisions of title III relating to the furnishing and similar services; and

"(10) provide satisfactory assurances that the fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the nonprofit private organization, including any funds paid by the organization to a recipient of a grant or contract.

"(b) The Commissioner shall approve any application which complies with the provisions of subsection (a).

"(c) Whenever the Commissioner determines not to approve an application submitted under subsection (a) the Commissioner shall—

"(1) state objections in writing to the nonprofit private organization within 60 days after such decision;

"(2) provide to the extent practicable technical assistance to the nonprofit private organization to overcome such stated objections; and

"(3) provide the organization with a hearing under such rules and regulations as the Commissioner may prescribe.

"(d) Whenever the Commissioner approves an application of a nonprofit private or public organization under this part funds shall be awarded for not less than 12 months.

"DEFINITION

"SEC. 624. For the purpose of this part, the term 'Hawaiian Native' means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.

"PART C—GENERAL PROVISIONS

"ADMINISTRATION

"SEC. 631. In establishing regulations for the purpose of part A the Commissioner shall consult with the Secretary of the Interior.

"PAYMENTS

"SEC. 632. Payments may be made under this title (after necessary adjustments, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement in such installments and on such conditions, as the Commissioner may determine.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 633. (a) There are authorized to be appropriated $13,000,000 for the fiscal year 1988, $15,600,000 for the fiscal year 1989, $18,720,000 for the fiscal year 1990, $22,464,000 for the fiscal year

1991, and $26,956,800 for the fiscal year 1992 to carry out the provisions of this title other than section 614.

"(b) Whenever the amount appropriated for subsection (a) is equal to or more than 110 percent of the amount appropriated for this title in fiscal year 1987, not more than 10 percent of the amount appropriated for such fiscal year shall be available for part B.".

PART F—MISCELLANEOUS AND TECHNICAL AMENDMENTS

PERSONAL HEALTH EDUCATION AND TRAINING PROGRAMS

SEC. 181. Section 706(a) of the Act is amended to read as follows:

"(a) There are authorized to be appropriated to carry out this title, such sums as may be necessary for each of the fiscal years 1988 through 1992.".

TECHNICAL AMENDMENTS

SEC. 182. (a) Section 102(1) of the Act (42 U.S.C. 3002(1)) is amended by striking "other than for purposes of title V" and inserting "except that for purposes of title V such term means the Secretary of Labor".

(b)(1) Section 102 of the Act (42 U.S.C. 3002) is amended—

(A) in paragraph (3)—

(i) by striking "includes" and inserting "means any of the several States,", and

(ii) by striking "Puerto Rico" and inserting "the Commonwealth of Puerto Rico", and

(B) by adding at the end the following:

"(8) The term 'Trust Territory of the Pacific Islands' includes the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.".

(2) Section 302 of the Act (42 U.S.C. 3022), as amended by section 135(a), is amended—

(A) by striking paragraph (6), and

(B) by redesignating paragraphs (7) through (20) as paragraphs (6) through (19), respectively.

(3) Section 506(a)(4)(A) of the Act (42 U.S.C. 3056d(a)(4)(A)) is amended by striking "Puerto Rico" and inserting "the Commonwealth of Puerto Rico".

(4) Section 507 of the Act (42 U.S.C. 3056e) is amended—

(A) by striking paragraph (1), and

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(c) Section 201(a) of the Act (42 U.S.C. 3011(a)) is amended by striking "his functions" and inserting "the functions of the Commissioner".

(d) Section 204(d)(3) of the Act (42 U.S.C. 3015(d)(3)) is amended by inserting "to" after "Secretary,".

(e)(1) Section 302 of the Act (42 U.S.C. 3022), as amended by subsection (b)(2) and sections 135 and 143, is amended by adding at the end the following:

"(23) The term 'greatest economic need' means the need resulting from an income level at or below the poverty levels established by the Office of Management and Budget.

"(24) The term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, and cultural, social, or geographical isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threatens such individual's capacity to live independently.".

(2) Section 305(d) of the Act (42 U.S.C. 3025(d)) is amended—

(A) by striking "(d)(1)" and inserting "(d)", and

(B) by striking paragraph (2).

(3) Section 306(a) of the Act (42 U.S.C. 3026(a)) is amended by striking the last sentence.

(f) Section 304(c) of the Act is amended to read as follows:

"(c) The provisions of section 307(d) shall apply to a State's failure to qualify under the State planning requirements of section 307.".

(g) Section 304(d)(1) of the Act (42 U.S.C. 3024(d)(1)) is amended in the matter preceding subparagraph (A) by inserting a comma after "section 308(b)".

(h) Section 305(a)(1)(E) of the Act (42 U.S.C. 3025(a)(1)(E)) is amended by striking "legal services" and inserting "legal assistance".

(i) Section 305(a)(2)(C) of the Act (42 U.S.C. 3025(a)(2)(C)) is amended by inserting "in accordance with subsection (d)" before the semicolon at the end.

(j) Section 306(a)(5)(B) of the Act (42 U.S.C. 3016(a)(5)(B)) is amended by inserting "and" at the end.

(k) Section 306(a)(6)(G) of the Act (42 U.S.C. 3026(a)(6)(G)), as amended by section 137(b), is amended by striking "and" at the end.

(l) Section 307(a) of the Act (42 U.S.C. 3027(a)) is amended—

(1) by striking "Each such plan shall—" and inserting "Each such plan shall comply with all of the following requirements:",

(2) in paragraph (1)—

(A) by inserting "The plan shall" after "(1)", and

(B) by striking the semicolon at the end and inserting a period,

(3) in paragraph (2)—

(A) by inserting "The plan shall" after "(2)", and

(B) by striking the semicolon at the end and inserting a period,

(4) in paragraph (3)—

(A) in subparagraph (A) by inserting "The plan shall" after "(3)(A)", and

(B) in subparagraph (B)—

(i) by inserting "The plan shall" after "(B)", and

(ii) by striking the semicolon at the end and inserting a period,

(5) in paragraph (4)—

(A) by inserting "The plan shall" after "(4)", and

(B) by striking the semicolon at the end and inserting a period,

(6) in paragraph (5)—

(A) by inserting "The plan shall" after "(5)", and

(B) by striking the semicolon at the end and inserting a period,

(7) in paragraph (6)—

(A) by inserting "The plan shall" after "(6)", and

(B) by striking the semicolon at the end and inserting a period,

(8) in paragraph (7)—

(A) by inserting "The plan shall" after "(7)", and

(B) by striking the semicolon at the end and inserting a period,

(9) in paragraph (8)—

(A) by inserting "The plan shall" after "(8)", and

(B) by striking the semicolon at the end and inserting a period,

(10) in paragraph (9)—

(A) by inserting "The plan shall" after "(9)", and

(B) by striking the semicolon at the end and inserting a period,

(11) in paragraph (10)—

(A) by inserting "The plan shall" after "(10)", and

(B) by striking the semicolon at the end and inserting a period,

(12) in paragraph (11)—

(A) by inserting "The plan shall" after "(11)", and

(B) by striking the semicolon at the end and inserting a period,

(13) in paragraph (13)—

(A) by inserting "The plan shall" after "(13)", and

(B) in subparagraph (I) by striking the semicolon at the end and inserting a period,

(14) in paragraph (14)—

(A) by inserting "The plan shall" after "(14)", and

(B) in subparagraph (E) by striking the semicolon at the end and inserting a period,

(15) in paragraph (15) by inserting "The plan shall" after "(15)",

(16) in paragraph (16)—

(A) by inserting "The plan shall" after "(16)", and

(B) in subparagraph (C) by striking the semicolon at the end and inserting a period,

(17) in paragraph (17)—

(A) by inserting "The plan shall" after "(17)", and

(B) by striking the semicolon at the end and inserting a period,

(18) in paragraph (18)—

(A) by inserting "The plan shall" after "(18)", and

(B) by striking the semicolon at the end and inserting a period,

(19) in paragraph (19)—

(A) by inserting "The plan shall" after "(19)", and

(B) by striking the semicolon at the end and inserting a period,

(20) in paragraph (20)—

(A) by inserting "The plan shall" after "(20)", and

(B) in subparagraph (B)(ii) by striking "; and" at the end and inserting a period, and

(21) in paragraph (21)—

(A) by inserting "The plan shall" after "(21)", and

(B) by striking "an amount equal to an amount".

(m) Section 308(b) of the Act (42 U.S.C. 3028(b)) is amended—

(1) by striking "(b)(1)(A)" and inserting "(b)(1)",

(2) in paragraph (1)—

(A) by striking "(i)" and inserting "(A)", and

(B) by striking "(ii)" the second place it appears and inserting "(B)",

(3) in paragraph (2)—

(A) by striking "(2)(A)" and inserting "(2)",

(B) by striking "(i)" and inserting "(A)", and

(C) by striking "(ii)" the second place it appears and inserting "(B)",

(4) in paragraph (3)(C) by striking "he" and inserting "the Commissioner",

(5) in subparagraphs (A) and (B) of paragraph (5) by striking "appropriated" each place it appears and inserting "allotted", and

(6) in paragraph (5)(B) beginning with the dash strike out all through the period and insert in lieu thereof: "not more than 30 percent of the funds allotted for any fiscal year.".

(n) Section 321(a)(10) of the Act is amended by inserting "for" after "advocate".

(o) Section 337 of the Act (42 U.S.C. 3030g) is amended by striking "Association of Area Agencies on Aging" and inserting "National Association of Area Agencies on Aging".

(p) Section 507(2) of the Act is amended by striking out "the Bureau of Labor Statistics" and inserting in lieu thereof "the Office of Management and Budget".

TITLE II—1991 WHITE HOUSE CONFERENCE ON AGING

WHITE HOUSE CONFERENCE AUTHORIZED

SEC. 201. (a) FINDINGS.—The Congress finds that—

(1) the number of individuals 55 years of age or older was approximately 51,400,000 in 1986, and will, by the year 2040, be approximately 101,700,000;

(2) more than 1 of every 6 persons age 55 or older will be hospitalized during the next year;

(3) persons 55 years of age or older have a higher average out-of-pocket medical cost burden than younger persons; approximately 17 percent of individuals age 55 to 64 experience out-of-pocket costs in excess of 20 percent of their family income and the average per capital out-of-pocket cost of persons 65 years of age or older is expected to equal 18.5 percent of income by 1991;

(4) there is a great need to ensure access and the quality of affordable health care to all older individuals;

(5) the need for a comprehensive and responsive long-term care delivery system is great;

(6) the availability and cost of suitable housing, together with suitable services needed for independent or semi-independent living, still cause concern to older individuals;

(7) the ability to lead an independent or semi-independent life is contingent, in many cases, upon the availability of a comprehensive and effective social service system for older individuals;

(8) the availability and access to opportunities for continued productivity and employment is of great importance to middle-aged and older individuals who want or need to work;

(9) the fulfillment, dignity, and satisfaction of retirees still depend on the continuing development of a consistent national retirement policy;

(10) there is a continuing need to maintain and preserve the national policy with respect to increasing, coordinating, and expediting biomedical and other appropriate research directed at determining the causes and effects of the aging process;

(11) false stereotypes about aging and the process of aging continue to be prevalent throughout the United States and policies should be nurtured to overcome such stereotypes; and

(12) the talents and experience of older individuals represent a valuable community resource which should be developed and more widely shared within the local community.

(b) POLICY.—It is the policy of the Congress that—

(1) the Federal Government should work jointly with the States and their citizens to develop recommendations and plans for action to meet the challenges and needs of older individuals, consistent with the objectives of this section; and

(2) in developing programs for the aging pursuant to this section emphasis should be directed toward individual, private, and public initiatives and resources intended to enhance the economic security and self-sufficiency of elder Americans.

AUTHORIZATION OF THE CONFERENCE

SEC. 202. (a) AUTHORITY TO CALL CONFERENCE.—The President may call a White House Conference on Aging in 1991 in order to develop recommendations for additional research and action in the field of aging which will further the policy set forth in subsection (b).

(b) PLANNING AND DIRECTION.—The Conference shall be planned and conducted under the direction of the Secretary in cooperation with the Commissioner on Aging and the Director of the National Institute on Aging, and the heads of such other Federal departments and agencies as are appropriate. Such assistance may include the assignment of personnel.

(c) PURPOSE OF THE CONFERENCE.—The purpose of the Conference shall be—

(1) to increase the public awareness of the essential contributions of older individuals to society;

(2) to identify the problems of the older individuals;

(3) to develop recommendations for the coordination of Federal policy with State and local needs and the implementation of such recommendations;

(4) to examine the well-being of older individuals;

(5) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and improving the well-being of older individuals; and

(6) to review the status of recommendations adopted at previous White House Conferences on Aging.

(d) CONFERENCE PARTICIPANTS AND DELEGATES.—

(1) PARTICIPANTS.—In order to carry out the purposes of this section, the Conference shall bring together—

(A) representatives of Federal, State, and local governments;

(B) professional and lay people who are working in the field of aging; and

(C) representatives of the general public, particularly older individuals.

(2) SELECTION OF DELEGATES.—The delegates shall be selected without regard to political affiliation or past partisan activity and shall, to the best of the appointing authority's ability, be representative of the spectrum of thought in the field of aging.

CONFERENCE ADMINISTRATION

SEC. 203. (a) ADMINISTRATION.—In administering this section, the Secretary shall—

(1) request the cooperation and assistance of the heads of such other Federal departments and agencies as may be appropriate in the carrying out of this section;

(2) furnish all reasonable assistance, including financial assistance, to State agencies on the aging and to area agencies on the aging, and to other appropriate organizations, to enable them to organize and conduct conferences in conjunction with the Conference;

(3) prepare and make available for public comment a proposed agenda for the Conference which will reflect to the greatest extent possible the major issues facing older individuals consistent with the provisions of subsection (a);

(4) prepare and make available background materials for the use of delegates to the Conference which the Secretary deems necessary; and

(5) engage such additional personnel as may be necessary to carry out the provisions of this section without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) DUTIES.—The Secretary shall, in carrying out the Secretary's responsibilities and functions under this section, assure that—

(1) the conferences under subsection (a)(2) will—

(A) include a conference on older Indians to identify conditions that adversely affect older Indians, to propose solutions to ameliorate such conditions, and to provide for the exchange of information relating to the delivery of services to older Indians, and

(B) be so conducted as to assure broad participation of older individuals;

(2) the proposed agenda for the Conference under subsection (a)(3) is published in the Federal Register not less than 180 days before the beginning of the Conference and the proposed agenda is open for public comment for a period of not less than 60 days;

(3) the final agenda for the Conference under subsection (a)(3), taking into consideration the comments received under paragraph (2), is published in the Federal Register and transmitted to the chief executive officers of the States not later than 30 days after the close of the public comment period provided for under paragraph (2);

(4) the personnel engaged under subsection (a)(5) shall be fairly balanced in terms of points of views represented and shall be appointed without regard to political affiliation or previous partisan activities;

(5) the recommendations of the Conference are not inappropriately influenced by any appointing authority or by any special interest, but will instead be the result of the independent judgment of the Conference; and

(6) current and adequate statistical data, including decennial census data, and other information on the well-being of older individuals in the United States are readily available, in advance of the Conference, to the delegates of the Conference, together with such information as may be necessary to evaluate Federal programs and policies relating to aging. In carrying out this subparagraph, the Secretary is authorized to make grants to, and enter into cooperative agreements with, public agencies and nonprofit private organizations.

CONFERENCE COMMITTEES

SEC. 204. (a) ADVISORY COMMITTEE.—The Secretary shall establish an advisory committee to the Conference which shall include representation from the Federal Council on Aging and other public agencies and private nonprofit organizations as appropriate.

(b) OTHER COMMITTEES.—The Secretary may establish such other committees, including technical committees, as may be necessary to assist in the planning, conducting, and reviewing the Conference.

(c) COMPOSITION OF COMMITTEES.—Each such committee shall be composed of professionals and public members, and shall include individuals from low-income families and from minority groups. A majority of the public members of each such committee shall be 55 years of age or older.

(d) COMPENSATION.—Appointed members of any such committee (other than any officers of employees of the Federal Government), while attending conferences or meetings of the committee or other-

wise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not to exceed the daily prescribed rate for GS-18 under section 5332 of title 5, United States Code (including travel time). While away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of such title for persons employed intermittently in Federal Government service.

REPORT OF THE CONFERENCE

SEC. 205. (a) PROPOSED REPORT.—A proposed report of the Conference, which shall include a statement of comprehensive coherent national policy on aging together with recommendations for the implementation of the policy, shall be published and submitted to the chief executive officers of the States not later than 60 days following the date on which the Conference is adjourned. The findings and recommendations included in the published proposed report shall be immediately available to the public.

(b) RESPONSE TO PROPOSED REPORT.—The chief executive officers of the States, after reviewing and soliciting recommendations and comments on the report of the Conference, shall submit to the Secretary, not later than 180 days after receiving the report, their views and findings on the recommendations of the Conference.

(c) FINAL REPORT.—The Secretary shall, after reviewing the views and recommendations of the chief executive officers of the States, prepare a final report of the Conference, which shall include a compilation of the actions of the chief executive officers of the States and take into consideration the views and findings of such officers.

(d) RECOMMENDATIONS OF SECRETARY.—The Secretary shall, within 90 days after submission of the views of the chief executive officers of the States, publish and transmit to the President and to the Congress recommendations for the administrative action and the legislation necessary to implement the recommendations contained within the report.

DEFINITIONS

SEC. 206. For the purposes of this title—

(1) the term "area agency on aging" means the agency designated under section 305(a)(2)(A) of the Act;

(2) the term "State agency on aging" means the State agency designated under section 305(a)(1) of the Act;

(3) the term "Secretary" means the Secretary of Health and Human Services;

(4) the term "Conference" means the White House Conference on Aging authorized in subsection (b); and

(5) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands.

AUTHORIZATION OF APPROPRIATIONS

SEC. 207. (a) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary, for each of the fiscal years 1989, 1990, and 1991, to carry out this section. Sums appropriated under this paragraph shall remain available until the expiration of the 1-year period beginning on the date the Conference is adjourned. New spending authority or authority to enter into contracts as provided in this section shall be effective only to the extent and in such amounts as are provided in advance in appropriations Acts.

(b) RETURN OF UNEXPENDED FUNDS.—Any funds remaining upon the expiration of such 1-year period shall be returned to the Treasury of the United States and credited as miscellaneous receipts.

TITLE III—ALZHEIMER'S DISEASE RESEARCH

REQUIREMENT FOR CLINICAL TRIALS

SEC. 301. (a) GENERAL AUTHORITY.—(1) The Director of the National Institute on Aging shall provide for the conduct of clinical trials on the efficacy of the use of such promising therapeutic agents as have been or may be discovered and recommended for further scientific analysis by the National Institute on Aging and the Food and Drug Administration, like tetrahydroaminoacridine, to treat individuals with Alzheimer's disease, to retard the progression of symptoms of Alzheimer's disease, or to improve the functioning of individuals with such disease.

(2) Nothing in this title shall be construed to affect adversely any research being conducted as of the date of enactment of this Act.

(b) RULES FOR CONDUCT OF CLINICAL TRIALS.—The clinical trials required by subsection (a) shall be conducted for a period beginning on such date as the Director of the National Institute on Aging considers appropriate and ending on—

(1) September 30, 1990; or

(2) such date as such Director determines that such trials have provided sufficient data to determine the efficacy of the use of such drugs to treat individuals with Alzheimer's disease, to retard the progression of symptoms of Alzheimer's disease, or to improve the functioning of individuals with such disease, whichever is earlier.

AUTHORIZATION OF APPROPRIATIONS

SEC. 302. There are authorized to be appropriated $2,000,000 for each of the fiscal years 1988, 1989, and 1990 to carry out this title.

TITLE IV—GENERAL PROVISIONS

EFFECTIVE DATE; APPLICATION OF AMENDMENTS

SEC. 401. (a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on October 1, 1987.

(b) APPLICATION OF AMENDMENTS.—The amendments made by title I of this Act shall not apply with respect to—

(1) any area plan submitted under section 306(a) of the Older Americans Act of 1965, or

(2) any State plan submitted under section 307(a) of such Act,

and approved for any fiscal year beginning before the date of the enactment of this Act.

IV. Committee Views

TITLE II—ADMINISTRATION ON AGING

Administration on Aging

In light of the significance of issues related to the field of aging, the fact that the Administration on Aging has responsibilities to coordinate its activities with a multiplicity of other federal programs, both within and outside the Department, and the apparent inclination within the current structure to usurp both funding and resources intended by Congress to be used to support the Administration on Aging for other programs within the Office of Human Development Services, the Committee has found it necessary and appropriate to elevate the status of the Commissioner on Aging to report directly to the Secretary. In doing do, the Committee expects the Commissioner on Aging to be included in appropriate departmental decision making, to have independent access to the Secretary, and to function with the same level of authority as assistant secretaries and other commissioners within the Department. By elevating this relationship, the Committee intends that the Commissioner shall have control of all salaries and expenses decisions within the Administration on Aging and that the Department shall allocate adequate funds for salaries and expenses to carry out the intent of the Act.

In addition, the Committee has created the position of Associate Commissioner for Native American Aging, who is expected to act as a visible advocate for Native Americans within the Department and with other agencies on issues affecting older Native Americans, and to administer and evaluate programs funded under Title VI of the Act. In addition, the Associate Commissioner for Native American Aging will lead a new interagency task force on older Indian needs and services.

The Committee was disturbed by the lack of data available for policy analysis and decision making with regard to services provided and individuals served. The Commissioner's existing data collection functions are, therefore, expanded to include information regarding the types of services being provided, the amount of funds being spent, and the number of individuals who are being served. The Commissioner is also required to collect data on the extent to which area agencies on aging are satisfying the requirements of Section 306(a)(2) and 306(a)(5)(A). The Committee does not believe that a three-year rotational sampling of area agencies is satisfactory to meet these data collection requirements, nor would it be administratively cost effective. Each area agency is expected to collect data and report such data to the State agencies; State agencies are expected to collect data and report to the Commissioner. The new reporting requirements are to take effect in fiscal year 1989;

the Committee expects the Commissioner and State and area agencies to develop and put into place uniform data collection systems during fiscal year 1988, and to begin to collect such data during fiscal year 1989.

The reporting requirements for legal assistance services providers are to be uniform nationally, and as consistent as possible with those used by the Legal Services Corporation. While the Committee wishes to protect the identity of legal assistance clients, and therefore has included a provision which prohibits the divulgence of information protected by the attorney-client privilege, this provision is not intended to exempt legal services from routine reporting requirements.

A new provision is added which requires the Commissioner to publish annually for public comment specific goals to be achieved by implementing the Act. This requirement is intended to encourage visible national leadership by the Administration on Aging, and to provide a framework for Administration on Aging activities for the year.

The Committee has also added the following to the list of agencies with which the Commission must consult: the Alcohol, Drug Abuse and Mental Health Administration, the Administration on Developmental Disabilities, and the National Advisory Panel on Alzheimer's Disease.

Federal Council on Aging

The required composition of the membership of the Federal Council on Aging has been modified to ensure that a clear majority of the members are older individuals, and to include a representative of Indian tribes on the Council. The Committee believes that policy guidance should directly reflect the views of older individuals and their peers who will be affected by such policies, and encourages State and area agencies to also follow the practice of having older individuals be a majority of advisory committee members. The current provisions for representative membership are maintained, and the Committee intends that the diverse needs and characteristics of older individuals be considered in appointing Council members.

TITLE III—SUPPORTIVE SERVICES

Targeting Services under State and Area Plans on Aging

In response to testimony about the lack of effective targeting of services to low income and minority older individuals received during the course of hearings on the bill, the Committee has included a number of provisions intended to strengthen title III requirements with respect to planning and service delivery to these groups, and to require documentation of how State and area agencies meet their service needs. These provisions include requirements that State and area plans identify the number of low income and minority older persons in the planning and service area, and to describe methods used to meet their needs the previous year. State agencies, in dividing the State into planning and service areas, and area agencies, in developing comprehensive and coordinated services systems, are required to consider the number of

older persons with the greatest economic or social need, with particular attention to low income minority older persons. Provisions are also added to assure effective outreach to such individuals and to require that evaluation of these outreach efforts takes place. In addition, a new requirement is intended to assure that service providers under the area plan specify how they will meet the needs of low income minority older persons and that they provide services to such individuals in at least the same proportion as they represent of the total older population in the area.

Services to Individuals with Disabilities

Like the growing population of elderly in the United States, there is also a growth in the number of elderly persons with disabilities, including those with severe or lifelong disabilities. Although many of their needs are similar to the needs of other older persons, older individuals with disabilities face a number of unique problems which are often compounded by having had a disability over a lifetime. The Committee recognizes that older individuals with disabilities are already included under the Act, but believes that reaffirming their inclusion and focusing services to their special needs is appropriate. In recognition of the special needs of older Americans with disabilities, the Committee has included several new provisions to assure that programs under the Act address this ever growing population.

The Committee includes definitions of individuals with disabilities and individuals with severe disabilities. The Committee stresses the functional nature of these definitions and points out that they are compatible with the Rehabilitation Act Amendments of 1986 and S. 1417, the Development Disabilities Assistance and Bill of Rights Act Amendments of 1987. The definition of individuals with disabilities includes a list of conditions which might result in one or more disabilities. The list is not meant to be exhaustive. Thus, for example, conditions of post polio and hearing impairments are obviously included.

The Committee has included several new requirements for State and area agencies on aging to coordinate planning and activities with agencies and organizations providing services to individuals with disabilities. It is the intent of the Committee that these coordination efforts be mutual, and these provisions in the Committee bill parallel similar amendments in S. 1417, the Development Disabilities Assistance and Bill of Rights Act Amendments of 1987. The Committee believes that coordination of activities of the aging network and the disability community can significantly improve opportunities and services for older Americans with a variety of special needs including those related to disabilities.

The Committee recognizes that older individuals with disabilities are among those designated as having the "greatest social need" under the Act and intends that they derive the full benefits of all provisions of the Act relating to individuals with the greatest social need.

Single Organizational Unit

An important aspect of outreach into a community is the ability of an area agency to be as visible and recognizable to the elderly as

possible. This is particularly true in the case of the frail and vulnerable elderly who often face barriers to accessing direct services. The Act calls upon area agencies to ensure that access to services is facilitated.

The bill requires that a single organizational unit be identified in each area as the agency on aging. The Committee wishes to make it clear that local officials may continue to include the area agency within an "umbrella" agency, such as a city or county human service department, council of government, regional planning commission, or regional planning district, as long as the area agency remains an identifiable unit. Further, the area agency unit that is housed in such a multi-purpose agency may absorb its equitable share of expenses incurred by the operation of the aging program as allowable under an indirect cost allocation plan, provided that the relevant federal agency has not explicitly rejected the indirect cost allocation plan.

Priority Services

In light of structural changes in the Act which create new subparts and the need for additional flexibility to meet local needs, the Committee has deleted the requirement that an adequate proportion of Part B funds be spent on access and in-home services. However, access services must be provided under Part B, and in-home services must be provided under Part D. Funds from Part B may still be utilized to provide in-home services.

Legal Services

The Committee wishes to express its continued support for the provision of legal services under the Act. The Committee intends that State agencies on aging have flexibility in determining the minimum level of funding necessary for the provision of legal assistance services by each area agency. The Committee expects the State minimum to reflect a floor, rather than a ceiling, for such expenditures. The Committee does not intend to encourage State and area agencies to diminish their existing legal assistance funding levels. However, the Committee does authorize area agencies to request a waiver of the minimum requirement to fund legal assistance services when the such an agency finds that the current capacity of established and operating legal assistance entities, including the Legal Services Corporation and the private bar, meets the existing legal assistance needs.

When an area agency requests such a waiver, the State agency shall provide notice to individuals and providers of legal assistance services in such area of intention to grant such a request. Individuals and providers shall have thirty days from the date of notice within which to request a hearing by the State agency regarding the waiver request. The State agency will grant such a waiver request only after (1) providing the aforementioned notice, (2) completing any hearing requested in a timely manner, and (3) fully evaluating the area agencies finding regarding the current legal assistance services and needs.

The Committee also wishes to note that the use of nonlawyers, where permitted by federal and State law, can be effective in meeting the expanding legal assistance needs of older persons, particu-

larly to discover and assist older persons regarding public benefit problems. While direct attorney suspervision of nonlawyer advocates is not required, the Committee believes that the support and utilization of this network by title III-B funded lawyers and other lawyers should be encouraged. The Commissioner should encourage their utilization, and make provision for training and support to nonlawyers.

Senior Centers

The Committee wishes to reiterate the intent of section 306(a)(3) of the Act, which encourages area agencies to designate a neighborhood focal point for comprehensive service delivery, giving special consideration to multipurpose senior centers as such designees.

In addition, the Committee wishes to clarify that section 321(b)(2) of the Act does not require that senior centers be receiving funding for facilities construction in order to qualify for funding under Part B of the Act for operations. While not technically a "supportive service," and, thus, not included in the list of supportive services under 321(a), it is the intent of the Committee that funds made available under Title III, Part B, be available to fund activities listed under section 321(b)(2).

Assistive Technology Services

Technology can have a significant impact on the functional ability and the vitality of older Americans and assist them to maintain their independence, maximize their options, and improve the quality of their lives.

The Committee acknowledges the importance of technology in helping older individuals increase or maintain their functional abilities by including several provisions to promote the use of assistive technology services. The Committee has modified the purpose of the Act to include functional limitations as one of the special needs of older individuals to be addressed under the Act.

The Committee has also made explicit the definition of supportive services to include the provision of assistive technology services and has included a definition of assistive technology services. Such services constitute a systematic approach for enabling older individuals to obtain the products, services and information they need in order to appropriately use technology to compensate for functional limitations or disabilities.

Individuals with functional limitations experience a reduced ability to perform such basic activities as eating, personal hygiene, shopping, deressing, and meal preparation, Functional limitations are often a result of natural aging, but may accompany disease or a related pathological condition, and may be severe enough to constitute a disability.

There is a wide range of technology available. Most technological interventions are simple and include things like a magnifying lens to read small print, assistive listening devices, bathroom safety grab bars, or a seat that helps one stand up. A few individuals will need more comprehensive technological support systems such as motorized wheelchairs and mechanical lifts. Efforts to increase awareness of the availability and applicability of both simple and

complex technological solutions are central components of Assistive Technology Services.

Long Term Care Ombudsman Program

In recognition of the importance of the State long term care ombudsman program in improving the quality of care for residents of long term care facilities, the Committee has added a number of provisions to strengthen the program and has also added a separate authorization of title III funds to carry out the new responsibilities contained in the bill. The amendments made by the Committee are intended to respond to recommendations made by the Institute of Medicine in its 1986 report, "Improving the Quality of Care in Nursing Homes," and by others. Amendments include provisions designed to clarify certain functions of the program, to require training of ombudsmen and to provide legal protections for persons carrying out ombudsman responsibilities. Other provisions are designed to prohibit conflict of interest in the operation of the ombudsman program, and to improve reporting of complaints made by or on behalf of facility residents.

The amendments specify that the State agency on aging will establish and operate, either directly or by contract, an Office of State Long Term Care Ombudsman. They clarify that the Office is to investigate and resolve complaints relating to action, inaction or decisions of providers of long term care services, public agencies, or social service agencies which may adversely affect the health, safety, welfare, or rights of long term care facility residents. In addition, the amendments clarify that the State agency must require the Office to make recommendations with respect to needed changes in Federal, State and local laws, regulations and policies affecting long term care facilities and services in the State and as part of public information activities. In addition, the State agency on aging is required to establish a toll-free hotline to facilitate communication of complaints to the ombudsman from residents or persons acting on behalf of residents.

The amendments recognize the importance of local, sub-State ombudsman programs, and require that such local programs be included as subdivisions of the Office. Persons staffing these programs, either as employees or as unpaid volunteers, are to be treated as representatives of the Office. The bill requires that representatives of the Office be afforded certain protections. The Committee has made a distinction between responsibilities of the State and responsibilities of the State agency on aging with respect to assuring such protections. In this regard the bill requires the State to make the following assurances: that representatives of the Office will not be liable under State law for good faith performance of official duties; that willful interference with representatives of the Office is unlawful; that retaliation and reprisals by long term care facilities is prohibited; and that appropriate sanctions will be applied in the case of any interference with official ombudsman responsibilities or of retaliation and reprisals by facilities. The State is also required to ensure that representatives of the Office will have access to facilities and residents, and have the ability to review resident medical and social records.

The Committee requires the State agency on aging to assure that the Office will have adequate legal counsel in the implementation of the program and that legal representation will be provided in cases of legal action against any representative of the Office. The State agency is also required to assure that the Office will have the ability to pursue administrative, legal and other appropriate remedies on behalf of residents. The Committee has included a provision which protects the identity of clients of the ombudsman. This provision, however, is not intended to prevent normal oversight of ombudsman records by the State agency.

The bill contains a number of provisions designed to prohibit conflict of interest in implementation of the ombudsman program. The State agency on aging is required to assure that persons responsible for the designation of the long term care ombudsman, or the head of any subdivision, or any representatives of the Office, are not subject to conflict of interest. In addition, the Committee bill requires the State agency to establish procedures to identify and resolve situations which may lead to any conflict of interest.

The Committee recognizes that the responsibilities established for State and local personnel implementing this program are complex. Ombudsmen must not only be familiar with a wide range of Federal, State and local laws, regulations, and policies on long term care, but must also be equipped to carry out investigations as to their effect on residents who make complaints. The Committee also recognizes that the vast majority of persons staffing the program are volunteers. In view of these considerations, the Committee has added provisions to increase training opportunities for persons who carry out ombudsman functions. First, a new provision under title III requires the Commissioner to provide technical assistance and training to State long term care ombudsman programs. In addition, the bill specifies that the State agency is responsible for training of Office staff, including volunteers and other representatives of the Office. Traning must include information on Federal, State and local laws, regulations, and policies affecting long term care facilities and also investigative techniques which may be used by the ombudsmen. The State agency is responsible for assuring that officers, employees, or other representatives of the Office are prohibited from investigating any complaints unless they have received training and are qualified for the complaint investigation.

The Committee recognizes that clients residing in long-term care facilities comprise a diverse population of frail elderly, elderly who are mentally ill, persons who are developmentally disabled, and persons with severe physical disabilities. Under current law elderly individuals who are mentally ill and persons with developmental disabilities are entitled to advocacy services under the Protection and Advocacy Systems for Mentally Ill Individuals and the Protection and Advocacy Systems for the Developmentally Disabled. The Nursing Home Ombudsman Program has jurisdiction in providing advocacy services for the entire population residing in long-term care facilities. However, lack of adequate resources limits the ability of all three programs to provide comprehensive advocacy services. Therefore, the bill requires the State agency to coordinate ombudsman activities with the protection and advocacy systems estab-

lished under authority of the Developmental Disabilities Assistance and Bill of Rights Act and under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 to provide high quality, effective advocacy services.

The Committee is particularly interested in improvement of data collection and reporting of information gathered under the auspices of the ombudsman program. Therefore, the bill adds a new requirement as part of other title II reporting responsibilities that the Commissioner compile an annual report for Congress summarizing data collected through the program. The report is not only to identify significant issues, particularly relating to quality of care and residents' rights, but also to make legislative and administrative recommendations to resolve issues. In addition to the Federal reporting requirement, the bill requires State agencies to prepare an annual report on complaints and to make recommendations to resolve identified issues. These reports are to be made available to appropriate Federal agencies.

In order to carry out these responsibilities, the bill creates a separate authorization of appropriations for the ombudsman program, and provides $20 million for fiscal year 1988 and such sums as may be necessary for the four succeeding fiscal years. The new provisions added by the Committee bill will only take effect in years in which funding for title III-B is in an amount greater than the fiscal year 1987 level. If funding is equal to or less than the fiscal year 1987 levels, the current law provisions will apply, though the Committee encourages States and State agencies to implement the new provisions to the extent that current funding permits. The bill also specifies that amounts appropriated for the program are not to supplant State or local resources used for ombudsman services.

In addition to these provisions, the bill also require the Commissioner to conduct a study to examine the impact of the ombudsman program on issues affecting residents of board and care facilities. The Commissioner is also required to conduct a study on the effectiveness of recruiting, supervising and retaining volunteer ombudsmen. This is viewed as especially important, since volunteers are a primary staff resource for implementation of the program.

Roles of State and Area Agencies

The Committee wishes to reemphasize the continuing advocacy role of State and area agencies on behalf of all older individuals. The Committee expects such agencies to represent the interests of older individuals within the community by reviewing, monitoring, evaluating, and commenting on Federal, State and local plans, budgets, regulations, programs, laws, levies, hearings, policies and actions which may affect older individuals, and by recommending any changes in such items which the agency considers to be appropriate. The Committee wishes to distinguish between the permissible activities of advocating policy and policy changes through the legislative and rule-making process, as opposed to advocating the success or failure of a particular candidate or political party.

In-Home Services for Frail Older Individuals

The Committee bill adds a new part D to title III, authorizing grants to States for non-medical in-home services for frail older

person, including victims of Alzheimer's disease and other neurological and organic brain disorders, and their families. While current law establishes in-home services as a priority services under title III-B, the Committee believes that a separate authorization of funds for this purpose is necessary in order to expand the Act's commitment to home-based social services and focus new resources in this area. Based on the projected growth of the elderly population and current utilization patterns of long term care services, major increases in the demand for community-based services, especially the types of in-home services authorized by the bill, are anticipated in the future. Recent research conducted by the Department of Health and Human Services has indicated that many disabled elderly living in the community require assistance which is primarily nonmedical in nature but is not covered by other service programs. This research found that about 4.6 million older persons living in the community have some kind of functional limitation.

The Committee recognizes that limited funds will be available, but among the services authorized are homemaker and home health aide; visiting, telephone reassurance, and personal emergency response; chore maintenance; respite care for families, including adult day care; and minor remodeling of homes not covered by other programs. These in-home services are intended to enable older individuals with functional disabilities to remain in their own homes rather than enter an institution.

Under the new part D, funds are to be awarded to State agencies on aging based on the current title III formula, that is, based on the State's population aged 60 years or over as compared to all States. The bill requires the State agency to develop eligibility criteria for use of in-home services funds. The criteria must take into account the following factors: age; greatest economic need; non-economic factors contributing to frailty: and non-economic and non-health factors contributing to the need for services.

Funds authorized under part D are to be used by States to supplement funds already being spent or that would otherwise be expended by Federal, State, or local authorities. This includes area agencies on aging which have in their planning and service areas existing services to primarily serve victims of Alzheimer's disease and related disorders, and the families of such victims. It is the Committee's intent the existing service providers be used to the maximum extent possible in carrying out the activities authorized by this provision, but recognizes that gaps in services may exist and expects State and area agencies to actively encourage the development of needed services.

It is also the Committee's intent that State and area agencies coordinate the planning and delivery of in-home services authorized by the bill with existing agencies and organizations providing similar or related services. The Committee bill has incorporated provisions which delineate this intent. First, an amendment to Section 307 requires State plans to assure that these in-home services will be coordinated with State and local agencies and private non-profit organizations which administer and provide health, social, rehabilitation, and mental health services. Secondly, area agencies are required to coordinate with other community agencies and voluntary organizations providing counseling and training for family care-

givers and support service personnel. This includes coordinating with existing agencies and organizations which provide functional and needs assessment services, assistance with locating, arranging for and coordinating services, case management, and counseling prior to admission to nursing homes.

The Committee recognizes that programs such as Medicare and Medicaid support a range of in-home services for the functionally impaired elderly. However, these programs as currently structured are limited in their ability to respond to the social service needs of the chronically impaired elderly. For example, Medicare's benefits are focused primarily on acute medical care needs. To the extent that Medicare covers home care, it does so only when a need for skilled nursing care of physical or speech therapy is first demonstrated. State Medicaid programs, on the other hand, can cover a broader range of in-home services, but only for those persons who meet income-related eligiblity requirements. Many frail elderly persons who are not poor enough to qualify for Medicaid and who do not meet Medicare's medically-related criteria require in-home services to live independently. Older Americans Act services are targeted strictly on the elderly and may be provided without the health-related restrictions of Medicare and without the income tests of Medicaid. For these reasons, title III services may be used to assist persons who are ineligible under other programs.

Health Education and Promotion for Older Americans

In recognition of the vital need and potential long run savings in health care costs, the Committee has included a new authorization for the provision of health education and promotion services for older Americans. This program is intended to provide health screening, education and other health promotion services to older Americans. The Committee intends these services to be provided primarily in congregate settings, particularly in senior centers and congregate meal sites. The Committee expects State and area agencies to utilize the services of community based organizations and other providers whenever feasible to provide these services.

Elder Abuse Prevention

The Committee has included an authorization for a program to prevent abuse of older individuals. The bill requires that such programs be carried out in a manner that is consistent with relevant State law and coordinated with State adult protective services activities and other State and local elder abuse prevention and protection. It also provides for public education and outreach services to identify and prevent abuse, neglect and exploitation of older individuals; receipt of reports of such abuse, neglect and exploitation; the referral of complaints and other reports of abuse, neglect or exploitation of older individuals to the appropriate agencies. It also encourages the active participation of older individuals in these programs.

The Committee wishes to stress that the programs are to be designed so as to complement and not duplicate any existing State or local elder abuse prevention or protection programs.

Study of State Cost-Sharing Programs

The Committee is aware that a significant number of States administer state-funded social service programs for older individuals on a cost-sharing basis. The Committee has considered several proposals which would have permitted states to provide federally funded Title III services on a cost-sharing basis, as well.

Proponents have argued that cost-sharing will permit an increased level of services without increasing federal funding. In addition, it is argued, that a federal cost-sharing program could easily be structured to utilize monies generated through fees to increase services to those most in need, thus increasing low-income and minority participation in Title III programs.

Finally, it has been suggested that cost-sharing need not be mandatory; States could have the option of whether to participate, depending upon needs and conditions, and participants (even those residing in States who choose the cost-sharing option) would not be turned away because of a refusal or inability to pay.

Despite the worthy intentions of the cost-sharing proposals, the Committee is concerned that implementations of such a program has the potential to produce undesirable results. There is concern that such arrangements may produce results exactly opposite of those intended, causing participation of the neediest individuals to decline due to a misunderstanding of the cost-sharing requirements or an unwillingness to disclose financial information. There is also concern that cost-sharing could provide administrative incentives for State and area agencies to serve relatively higher income older individuals, and that, consequently, services to minority and low-income individuals could suffer.

Since the potential impact of cost-sharing policies on services under the Older Americans Act is unknown, the Committee will request that the General Accounting Office conduct a study of current State cost-sharing systems and report its findings to the Committee by September 30, 1990. Among other issues, the Committee believes that the study should examine the effects of cost-sharing systems on: access to services by older individuals; increases or decreases in the number of older individuals served, particularly low-income and minority individuals; the nature of the fee scales used and the differential effects of such arrangements; and the characteristics of participants who pay fees and those who do not. In addition, the Committee believes that such a study should identify the similarities and differences between Older Americans Act programs and State-funded programs with regard to the scope of services covered, funding levels, and the social and economic characteristics of the participants.

TITLE IV—RESEARCH AND DEMONSTRATION PROGRAMS

Multidisciplinary Centers of Gerontology under Title IV Training Authority

Beginning in 1980, under title IV training authority, the Administration on Aging supported a number of multidisciplinary centers of gerontology primarily located in institutions of higher education to serve as national policy study centers in various areas of impor-

tance to the elderly, including income maintenance, health, employment, and housing. The purpose of these centers was to engage in policy analysis and research directed toward major policy issues in the field of aging. Although these centers made contributions in manpower development, preparation of personnel for the field of aging, knowledge building, and policy analysis, they are no longer receiving funding to carry out these activities as centers of gerontology.

Current law gives the Commissioner discretionary authority to support multidisciplinary centers of gerontology to conduct training, research, and policy analysis, and to function as technical resources for the Commissioner, policymakers, service providers, and the Congress. Because of the unique contributions which such centers can achieve and because such initiatives are no longer receiving support, the Committee believes that this current discretionary authority of the Commissioner should be made mandatory. Therefore, the Committee bill includes a provision which requires the Commissioner to support such centers. Moreover, the Committee explicitly expanded the areas for special emphasis by the Centers to include disability, mental health, assistive technology and minority population concerns.

Special Projects in Comprehensive Long-term Care

Section 423(a)(1) of current law gives the Commissioner discretionary authority to support special projects to support the development of comprehensive, coordinated systems of community-based long term care. The projected growth of the elderly population with long term care needs in the future necessitates continued focus on efficient and effective services and programs to meet these needs. Therefore, the Committee bill contains a provision which would mandate the Commissioner to use title IV funds to implement this provision.

In requiring that the Commissioner make grants for special projects in comprehensive long term care, it is the Committee's expectation that eligible applicants include State agencies, area agencies, institutions of higher education, and other public agencies and private nonprofit organizations. Further, the Committee expects that such grants will support the development of comprehensive, coordinated systems of community long term care for older persons. The Committee further expects: that such grants will be awarded on a competitive basis; that activities will place particular emphasis on program development, research, education, and training that supports State and area agencies, providers and services funded under the Older Americans Act; and that the Committee will formally evaluate performance annually and factor results into renewal decisions.

Outreach Demonstration Program for SSI, Medicaid and Food Stamps

The Committee has included a provision authorizing $3 million to fund demonstration programs to test whether the Older Americans Act system can effectively reach and assist eligible individuals who are not currently receiving SSI, Medicaid and Food Stamps to begin receiving program benefits. The bill authorizes such sums for

fiscal years 1989 through 1992, and should the demonstrations prove viable, the Committee intends to significantly expand coverage of these programs as indicated by the program results in fiscal year 1988.

Home Care Quality Assurance Demonstrations

The Committee has authorized $2 million in 1989 and 1990 to demonstrate the most effective methods for ensuring that home care services provided under the act are of high quality. Methods which may be tested include, but are not limited to, consumer education, hot lines, ombudsman services, legal assistance, protection and advocacy services, and the use of community service agencies.

Special Disability Emphasis

In recognition of the shortage of programs and personnel who are trained to provide supportive services to older individuals with disabilities, the Committee acknowledges the need for training, research, and discretionary projects to focus on the needs of elderly with disabilities. The Committee has included specific references throughout Title IV with the intent of assuring that the special needs, including mental health needs, of individuals with disabilities are given appropriate attention in Title IV programs. The Committee specifically authorizes the Commissioner to make grants or enter into contracts to provide and develop training programs for care providers to enable them to meet the special service needs of older individuals with disabilities. Moreover, the Committee adds the provision of services to elderly individuals with severe disabilities and the provision of rehabilitation services and communication aids to the list of special health care needs of the elderly to which the Commissioner shall give special consideration when making grants and contracts.

Assistive Techonology Demonstration Project

One of the difficulties in the application of technology with older individuals results from a lack of information to individuals who would benefit from it. The Committee adds to the list of projects to be given special consideration those designed to study and demonstrate methods of improving older individuals' awareness of, access to, and use of assistive technology services to increase their functional independence. Consistent with current law, the Committee intends that such demonstration projects include provisions for dissemination of project information and results to State and area agencies on aging to better meet the Committee's intent of emphasizing the inclusion of assistive technology services among supportive services under Title III of the Act.

TITLE V—COMMUNITY SERVICE EMPLOYMENT PROGRAMS FOR OLDER AMERICANS

Community Service Employment

In response to testimony regarding the potentially serious impediments to program operation imposed by the existing cap on title V administrative costs, the bill freezes the cap at 13.5 percent and establishes specific criteria to be used to evaluate whether the

cap should be waived. The Committee fully expects Title V funds to be administered efficiently.

The bill also exempts Title V wages from consideration for the purpose of determining eligibility or computing monthly rents with regard to federally-assisted senior citizen housing for Title V workers. Further, it exempts such income for the purpose of making income determinations under the Food Stamp Act.

The bill requires that additional funds provided over the amount appropriated in fiscal year 1987 be first used to fund two new national contractors, one representing older Indians and one representing older Pacific/Asian Americans. This provision is not intended to take funding away from current contractors or State programs, and the Committee intends that any new funding provided over and above the amount for the new contractors should continue to be divided in the same proportion as currently among the national contractors and State agencies. The Committee expects the Department of Labor to continue to pursue geographic equity in the administration of such contracts and to provide appropriate contract oversight of all title V grants and contracts.

The bill also provides clarification that education services as defined by title V include literacy tutoring.

TITLE VI—GRANTS FOR NATIVE AMERICAN PROGRAMS

Title III Eligibility

The Committee bill repeals several provisions of existing law to clarify that Indians are eligible for services under both titles III and VI. The deletion of these provisions corrects the unintended effect of existing law which can result in making ineligible for Title III services older Indians who could be served by a Title VI grant but are not, or in making older Indians who receive only one type of service under Title VI ineligible for any other services under Title III. These changes are also intended to assist tribal organizations and area agencies to broaden the scope of their cooperation in developing more comprehensive service delivery.

Programs for Indian Tribes, Eskimos, Aleuts, and Native Hawaiians

The Committee has recognized both the similarities and differences among American Indians, Aleuts, Eskimos, and Hawaiian Natives by including an overall structure authorizing programs for these groups as Native Americans, as well as providing for separate Parts within the title which are designed to meet the specific circumstances for the groups being served.

The Committee was careful to preserve the integrity of the current Indian programs. A two-part Title VI was created: Part A, which preserves and expands the current program for Indian tribes, Eskimos, and Aleuts; and Part B, which creates a new program to serve Native Hawaiians. The bill also preserves separate Congressional findings relative to Indians, and includes a provision which calls for a special study of the needs of Indian elders and training for Indian service providers.

Overall authorization levels for Title VI have been increased by over 50 percent. Based on Census data showing the numbers of

older Native Americans, funding for the Native Hawaiian Part B is limited to not more than 10 percent of the total funding for the title. In addition, the Committee has included a provision which ensures that programs for Native Hawaiians are not funded at the expense of current Indian programs.

The Committee views the inclusion of Native Hawaiians in a modified title VI program for Native Americans as an extension of past policy on this issue followed by both the Committee and Congress. The term "Native Americans" was first defined by Congress to include Native Hawaiians, along with American Indians, Eskimoes and Aleuts, under the Community Services Act Amendments of 1974. Since then, Title III of the Comprehensive Employment and Training Act, the Job Training Partnership Act, Section 8(a) of the Small Business Administration Act, the Native Americans Programs Act, the Vocational Education Act, and the Rehabilitation Act have all been amended to include Native Hawaiians in the definition of Native Americans.

The basis for the inclusion of Native Hawaiians as Native Americans is clear. Native Hawaiians are an easily identifiable group of indigenous, aboriginal people with a land-based culture. They have had treaty relationships with the United States, and in the the Hawaiian Homes Commission Act of 1921, the United States recognized their collective right to traditional native lands and the income from those lands.

Under the new Part B, authorizing a program for Native Hawaiians, there is a specific requirement that such programs be coordinated with the State agency on aging. It is the expectation of the Committee that the Native Hawaiian grantees will work with the State agency to develop and implement programs of benefit to Native Hawaiians which are consistent with the overall State plan.

WHITE HOUSE CONFERENCE ON AGING

White House Conference on Aging

The bill authorizes the President to call a White House Conference on Aging in 1991 to be administered by the Secretary of Health and Human Services in consultation with the Commissioner on Aging and the Director of the National Institute on Aging.

Since the first conference was called by President Harry S. Truman in 1950, the Congress, the Executive Branch, and the Nation have relied on these conferences to provide direction, leadership, and innovation in Federal policy for the elderly. In 1958, this Committee approved legislation to request President Dwight D. Eisenhower to call a White House Conference on Aging in 1961. Many of the proposed recommendations from the conference (such as Medicare and Medicaid, the Older Americans Act, and annual increases in social security benefits) have shaped the Federal aging agenda since that time. Conferences in 1971 and 1981 further defined and developed the Federal agenda. As demographers project that the portion of the population age 55 or older will continue to increase well into the next century, the need for a national strategy session to address the implications of an aging population is imperative.

It is the intent of the Committee that the 1991 conference examine issues relating to or affecting aging, and develop recommendations for comprehensive national policies. The Conference shall be conducted in such manner as to permit delegates to participate in each issue area addressed during the Conference. The Committee believes that the Conference should focus on a limited number of issues of a determinable scope and foster consensus recommendations. These issues, though limited in number, should cover the wide range of concerns of the elderly and the diversity of their needs. The Committee intends that the scope of the conference will include the emerging needs of the elderly, as addressed in these amendments, including promoting independence through various methods.

This Committee is aware of the importance of the delegates to the Conference. It is the Committee's intention that every effort will be made to ensure a broad cross-section of opinions and views within the aging community. As in the past, the Committee anticipates vigorous debate concerning the direction of Federal aging policy. This is the main purpose of the Conference and should be encouraged in order to assure that the recommendations and the Conference report are truly representative of the community of thought regarding Federal policy for the elderly.

Previous White House Conferences have been preceded by State conferences designed to develop issues for consideration at the national Conference. The Committee recognizes the value of, and doest not intend to preclude, pre-conference activities. It encourages planners to consider State and local Conferences, so as to provide States a greater opportunity to provide recommendations regarding the impact of national policy goals on particular regional, State and local needs.

ALZHEIMER'S DISEASE RESEARCH

Requirement for Clinical Trials

Recognizing the need to fund additional research on drugs to treat and abate the symptoms of Alzheimer's disease, the Committee has authorized $2 million for each of fiscal years 1988, 1989 and 1990 for this purpose. It is the intent of the Committee that the clinical trials required by this subsection be conducted through the centers supported under section 445 of the Public Health Service Act and through such other public and nonprofit private entities as the Director considers appropriate.

The Committee supports efforts underway to determine the safety and efficacy of tetrahydroaminoacridine drugs to retard the progression of symptoms of Alzheimer's disease and improve the functioning of individuals with such disease. The Committee does not intend that this authority will forestall or require review of current clinical trial efforts. The level of funding available at this time is expected to cover the costs of clinical trials with respect to the drug tetrahydroaminoacridine. The Committee will review such ceiling on the authorization as appropriate if new drugs become available and warrant additional funding for testing.

V. HEARINGS

The Subcommittee on Aging held three hearings in Washington, D.C., on S. 887, the Older Americans Act Amendments of 1987. The following witnesses appeared.

CHANGING NEEDS OF THE ELDERLY—MARCH 31, 1987

The Honorable Edward D. Diprete, Governor of Rhode Island.

Dr. Jeanette Takamura, Director, Hawaii State Agency on Aging.

Dr. C. Kermit Phelps, Chairman of the Board, American Association of Retired Persons.

Ms. Jane Mapp, Director, Three Rivers Mississippi Area Agency on Aging.

Mr. Bill Carroll, Director, Traceway Manor Nursing Home, Tupelo, Mississippi.

Dr. Carl Eisdorfer, Director of Programs on Aging, University of Miami, Miami, Florida.

Dr. Mary Howell, Director, Kennedy Aging Project.

MINORITY PARTICIPATION IN OLDER AMERICANS ACT PROGRAMS—APRIL 23, 1987

Ms. Carol Fraser Fisk, U.S. Commissioner on Aging.

Dr. David Brown, Director, Mississippi State Agency on Aging.

Miss Carmela Lacayo, President, National Association of Hispanic Elderly.

Mr. Larry Crecy, Vice President, National Caucus and Center on Black Aged.

Mrs. Iwalani Minton, presenting the testimony of Mrs. Winona Rubin, Director, Hawaii Department of Social Services and Housing.

Ms. Louise Kamikawa, Executive Director, Pacific/Asian Resource Center on Aging.

Dr. Arnold Parks, Professor of Sociology, Lincoln University, Lincoln, Missouri.

Mrs. Mae Chee Castillo, Navajo elder.

The Honorable James Hena, Governor, Pueblo of Tusuque.

Mr. Steve Wilson, Manager of the Community Research and Development Administration, Creek Nation.

Mr. Kenneth White, Program Specialist, National Indian Council on Aging.

CURRENT SERVICES UNDER THE OLDER AMERICANS ACT—APRIL 30, 1987

The Honorable Bob Graham, U.S. Senator, State of Florida.

The Honorable Frank Lautenberg, U.S. Senator, State of New Jersey.

Mr. Roberts T. Jones, Deputy Assistant Secretary of Labor, U.S. Department of Labor.

Mrs. Sonia Crow, Associate Administrator for Food and Nutrition, U.S. Department of Agriculture.

Mrs. Katheryn Dusenberry, Board Member, Federal Council on Aging.

Ms. Eleanor Lloyd, Director, Kauai Area Agency on Aging.

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Ms. Wilda Ferguson, President, National Association of State Units on Aging.

Mr. Donald F. Reilly, Senior Vice President, National Council on Aging.

Mr. John Pickering, Chairman, Commission on Legal Problems of the Elderly, American Bar Association.

Ms. Elizabeth Crittendon, President, National Institute of Senior Centers.

Ms. Jill Duson, President, National Association of State Long Term Care Ombudsman Programs.

Ms. Alice Smitherman, President, American Dietetic Association.

Mrs. June Durham, Board Member, National Association of Meals Programs.

Mr. John Cornman, Executive Director, Gerontological Society of America.

Dr. Richard Lindsay, President, American Geriatrics Society.

Mr. William R. Hutton, Executive Director, National Council of Senior Citizens.

Dr. Douglas Glasgow, Vice President, National Urban League.

Mr. Alec G. Olson, Administrator, Green Thumb, Inc.

VI. Votes in Committee

S. 887 was marked up by the Subcommittee on Aging on July 7, 1987. It was favorably voted out of subcommittee, in the nature of a substitute with an amendment by Senator Cochran, by a vote of 7-0. Subsequently, the amended version, as voted out by subcommittee, was submitted as the committee print and was ordered reported, with amendments by Senators Matsunaga, Harkin, Mikulski and Simon, on July 22, 1987, by a unanimous vote. The committee also ordered reported, without recommendation, H.R. 1451, by unanimous vote. Both bills were reported in accordance with a unanimous consent agreement for sequential referral to the Select Committee on Indian Affairs for the purpose of consideration of the Native American Programs Act.

VII. Congressional Budget Office Cost Estimates

U.S. Congress,
Congressional Budget Office,
Washington, DC, July 28, 1987.

Hon. Edward M. Kennedy,
Chairman, Committee on Labor and Human Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressioanl Budget Office has prepared the attached cost estimate for S. 887, the Older Americans Act Amendments of 1987, as ordered reported from the Senate Committee on Labor and Human Resources on July 22, 1987.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

Edward M. Gramlich,
Acting Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 887.
2. Bill title: The Older Americans Act Amendments of 1987.
3. Bill status: As ordered reported by the Senate Labor and Human Resources Committee on July 22, 1987.
4. Bill purpose: The purpose of this bill is to amend and extend through 1992 the authorization for appropriations for programs under the Older Americans Act of 1965. This bill would also create several new programs. This bill is subject to subsequent appropriations
5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1988	1989	1990	1991	1992
Estimated Authorization Levels:					
Administration on Aging Data Collection	(1)	(1)	(1)	(1)	(1)
Federal Council on Aging	(1)	(1)	(1)	(1)	(1)
Supportive Services and Centers	380	399	418	439	461
Congregate Nutrition Services	415	435	457	480	504
Home-Delivered Nutrition Services	79	83	88	92	96
Surplus Commodities	151	166	183	201	221
In-Home Services	25	26	28	29	30
Training, Research and Discretionary	33	35	36	38	40
Community Service Employment	387	406	426	449	470
Grants for Native American Programs	13	16	19	22	27
Personal Health Education and Training	9	10	10	11	.....
1991 White House Conference	.....	9	.....	.....	.....
Ombudsman Program	20	21	22	23	.....
Outreach Demonstration	3	3	3	3	3
Preventive Health Services	5	5	6	6	6
Older Individual Abuse Prevention	5	5	6	6	6
Ombudsman Advocacy Demonstration Project	1	1	.....	.....	.....
Home Care Quality Assurance	.....	2	2	.....	.....
Alzheimer's Disease Research	2	2	2	.....	.....
Employment Assistance and Food Stamps	10	10	10	10	10
Bill totals:					
Estimated Authorization level	1,538	1,635	1,717	1,810	1,906
Estimated Outlays	915	1,552	1,681	1,775	1,871

[1] Less than $500,000.

The costs of this bill fall within functions 500 and 600.

Basis of estimate: This cost estimate of S. 887 reflects the new and extended authorizations for programs under the Older Americans Act of 1965. Most of the programs in this bill are authorized at stated levels for 1988 through 1992. Authorization levels are only stated for 1988 for the ombudsman, preventative health services, outreach, and older individual abuse prevention programs. In all these programs, the outyears are authorized at such sums as may be necessary. Estimated levels for these such sums authorizations are the stated levels adjusted for inflation.

The estimate for the currently unfunded program for personal health education and training, authorized at such sums for 1988 through 1992, is based on the most recent stated authorized level adjusted for inflation.

The 1991 White House Conference on Aging is authorized at such sums for 1989, 1990, and 1991. We have assumed full funding in

1989, based on the cost of the 1981 conference adjusted for inflation.

Section 165 would exclude wages received under Title V of the Older Americans Act from income when determining eligibility for federally subsidized housing, and when determining eligibility and benefits under the Food Stamp program. The housing assistance provision affects eligibility and not the size of the subsidy and so would not affect costs. The food stamp provision, however, would increase food stamps benefits for households with Title V wages.

Using the August 1984 Characteristics of Food Stamp Households database, we estimate there are 105,000 food stamp recipients 55 and other with earned income. Between 10 and 15 percent of these recipients were assumed to be employed under the Older Americans Act.[1] Wages for food stamp recipients 55 and older averaged $310 monthly in August 1984. Excluding this earned income for households with Title V earnings would increase benefits by an estimated $60 monthly for 80 percent of such households, resulting in a total increase of $10 million annually. The remaining households would receive no benefit increase, primarily because they are already receiving maximum food stamp benefits.

S. 887 authorizes $3 million in 1988 and such sums in the outyears to allow state agencies to conduct demonstration projects for outreach activities to inform older individuals of the availability of benefits under the Supplemental Security Income (SSI), Medicaid, Medicare and Food Stamp programs. Funding these pilot projects could increase the number of benefit recipients in these programs. Costs in these programs could increase $3 million in 1988 and $6 million annually in subsequent years as a result of the outreach projects.

Total outlays are estimated assuming full funding of estimated authorization levels. Estimated outlays for existing programs reflect the current spending pattern. Estimated outlays for new programs reflect the spending pattern of similar existing programs.

6. Estimated costs to State and local government: Several programs amended by this bill, including services and centers, congregate and home-delivered nutrition, community service employment, personal health education and training, and the child care food program, require agencies receiving federal funds to pay for a portion of costs from non-federal sources. We estimate the total non-federal contribution required if this bill were fully funded to be about $200 million in 1988, increasing to about $265 million in 1992.

7. Estimate comparison: None.

8. Previous CBO estimate: On May 18, 1987, CBO prepared a cost estimate on H.R. 1451, The Older Americans Act Amendments of 1987, as ordered reported from the House Education and Labor Committee. H.R. 1451 authorized similar programs through 1991. The House bill included meals for adult day care centers, higher funding for the outreach program, and the reauthorization of the

[1] This percentage is based on the ratio of people employed under the Older Americans Act (98,000, according to program data) to the ratio of all poor people aged 55 and older with work experience (775,000, according to the Census Bureau, Current Population Reports, Series P-60, No. 152).

Native American Programs. H.R. 1451 bill did not include some of the smaller new programs authorized in S. 887.

9. Estimate prepared by: Deborah Kalcevic, Michael Pogue, and Julie Isaacs.

10. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director for Budget Analysis).

VIII. Regulatory Impact Statement

In compliance with paragraph 11(b) of Senate Rule 26, the Committee has determined that the bill will not increase the regulatory burden on individuals, businesses, or consumers. The bill continues existing authorities for five years and adds authority for expanded social services programs. Data collection responsibilities of the Federal and State authorities which administer the program authorized by this Act are clarified. Responsibility of the Federal government to develop regulations to implement provisions of the bill are updated to reflect the bill's reauthorization period.

IX. Section-by-Section Analysis

TITLE I.—AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965

Part A: Objectives and Administration

Section 101 (Objectives) clarifies and emphasizes the intent of the Act to serve Indian tribes, to assist individuals in obtaining and maintaining suitable housing, to contribute to and provide older individuals with opportunities to participate in meaningful activities, and to protect older individuals from abuse, neglect and exploitation.

Section 102 (Establishment of Administration on Aging) establishes a direct reporting relationship between the Commissioner on Aging and the Secretary of Health and Human Services.

Section 103 (Data Collection) establishes a new provision requiring the Commissioner to annually collect and report data on expenditures by service category, number of individuals served by service category, units of service provided, the number of senior centers supported, the extent to which area agencies comply with requirements to provide services to particular categories of individuals and to provide particular types of services, legal services and waivers for the provision of legal services, and targeting.

Section 104 (Veterans' Programs) adds the Veterans' Administration to the list of Federal agencies with which the Commissioner may consult and includes a representative of veterans' health care on area agency boards, where appropriate.

Section 105 (Mental Health) clarifies the meaning of health to include mental health, adds the Alcohol, Drug Abuse and Mental Health Administration to the list of Federal agencies with which the Commissioner may consult, and adds mental health services to the list of services which may be provided through special projects in comprehensive long-term care.

Section 106 (Older Individuals with Disabilities) adds consultation with organizations representing elderly individuals with severe disabilities to provide information and technical assistance to the Commissioner's functions; adds the Alcohol, Drug Abuse and

Mental Health Administration and the Administration on Developmental Disabilities to the list of agencies with which the Commissioner shall develop planning linkages; adds Acts pertaining to programs for individuals with disabilities to the list of programs related to the purposes of the Act; and adds the Federal Advisory Panel on Alzheimer's Disease to the list of agencies to be consulted with respect to in-home services.

Section 107 (Older Native Americans) establishing an Associate Commissioner on Native American Aging within the Administration on Aging and sets forth the duties of that position.

Section 108 (Federal Council on Aging) contains the authorization of appropriations for the continued operation of the Federal Council on Aging and requires that the majority of members of the Council be older Americans.

Section 109 (Regulations) updates the requirement for publication of timely regulations.

Section 110 (Publication of Goals) adds a new provision requiring the Commissioner to annually publish for public comment specific goals to be achieved by implementing the Act.

Part B: Grants for Supportive Services, Nutrition and Other Activities

Section 121 (Purpose) Amends the statement of purpose for Title III to include a reference to Indian tribes, tribal organizations and Hawaiian Native organizations.

Section 122 (Administration of State Grants Programs) adds the National Institute on Aging, the Health Care Financing Administration, the Social Security Administration and other units in the Department of Health and Human Services to the list of agencies from which the Commissioner may request technical assistance.

Section 123 (Reauthorization for State and Community Progams on Aging) contains the authorization of appropriations for the Title III supportive services program, nutrition services program, and surplus commodities program.

Section 124 (Administrative Expenses of Area Agencies on Aging) increases the percentage of Title III funding that may be used by area agencies on aging for administrative expenses from 8.5 to 10 percent.

Section 125 (Area Agencies on Aging as Separate Units) requires that an area agency on aging have as its only function to operate as such, and provides that an area agency located within an umbrella organizations be identified as a separate organizational unit within the organization.

Section 126 (Area Plans) requires periodic public hearings as part of the already required evaluations of activities carried out under the area plans.

Section 127 (Daycare and Respite Services Provided by Volunteers) adds organizations providing adult day care and respite service for families, in addition to day care services for children, to the list of organizations with which area agencies should enter into arrangements to provide volunteer opportunities for older individuals.

Section 128 (Coordination of Certain Programs Relating to Older Victims of Alzheimer's Disease) expands the area plan require-

ments to include the coordination of certain programs with local services for older victims of Alzheimer's disease.

Section 129 (Ombudsman Office and Program) strengthens the requirements of the ombudsman programs at the State level; requires the Commissioner to provide an annual report to Congress on the services provided, problems and current issues concerning the States' long-term care ombudsman programs; and requires the Commissioner to conduct a study concerning ombudsman activities on behalf of residents in board and care facilities and the effectiveness of utilizing volunteer ombudsmen; and contains the authorization of appropriations for these purposes.

Section 130 (Flexibility of Services; Legal Assistance) deletes the requirement that area agencies spend an adequate proportion of funds on access and in-home services; requires area agencies to provide adequate access services; requires each State agency to specify a minimum percentage of funds to be expended on legal services by area agencies in the absence of a waiver; and provides individuals and service providers with an opportunity for a hearing at the State level if such waiver is granted for legal services.

Section 131 (Documentation Regarding Minority Participation) requires that area and State plans document the minority population within service areas and document and document how their service needs were met in the previous fiscal year.

Section 132 (Targeting of Services) amends several sections to provide further direction in targeting services to those in greatest economic or social need, with particular attention to low income minority.

Section 133 (Coordination Relating to Mental Health Services) requires the area agency to coordinate any expenditure of funds for mental health services with other mental health organizations.

Section 134 (Services to Older Native Americans) requires area agencies to consider the number of older Native Americans with low incomes in planning and conducting outreach activities; places increased emphasis on minority elderly, especially Indian elderly, in Title IV research and training programs; establishes an interagency task force to identify ways to facilitate and improve services to older Indians; requires the Commissioner to prepare a special report on the availability and quality of services to older Indians under the Act.

Section 135 (Services to Individuals with Disabilities) clarifies the definition of individuals with disabilities; requires the State to assure that consultation with agencies responsible for individuals with disabilities will take place and that collaborative programs on behalf of older individuals with disabilities will be developed where appropriate; encourages interagency or other formal agreements with mental health organizations to ensure a coordinated approach in meeting the mental health and psychosocial needs of the elderly.

Section 136 (Confidentiality of Information Relating to Legal Assistance Provided) adds language regarding confidentiality of information related to the provision of legal assistance.

Section 137 (Coordination of Community-Based Services) modifies the State plan requirement to require assurances that area agencies will facilitate the coordination of community-based services for those at risk of institutionalization.

Section 138 (Payments) Modifies the provision for a reduction in a State's allotment by the percentage decline in State expenditures to reflect the average change over the previous three years rather than the decline in the immediately preceding year.

Section 139 (In-Home Services for Frail Older Individuals) amends Title III to authorize appropriations and a new program for non-medical in-home services for frail older individuals.

Section 140 (State Plan Information Regarding Services to Older Individuals Residing in Rural Areas) requires the State plan to describe how the needs of older individuals in rural areas were met in the previous year.

Section 141 (Health Education and Promotion for Older Americans) amends Title III to authorize appropriations and a new program to provide preventive health screening, health education, and promotion services.

Section 142 (Prevention of Abuse of Older Individuals) amends Title III to authorized appropriations for programs to prevent abuse of older individuals.

Section 143 (Assistive Technology Services) adds the provision of assistive technology services to the list of supportive services under Title III, Part B.

Part C: Demonstration Grants

Section 151 (Demonstration Projects; Purpose) adds emphasis on minority individuals, low-income individuals, frail individuals and individuals with disabilities to the purposes of education and training programs funded under this Act.

Section 152 (Multidisciplinary Centers) requires the Commissioner to fund the establishment or support of Multidisciplinary Centers of Gerontology which are authorized in the Act.

Section 153 (Volunteer Opportunities) Adds to the list of demonstration projects which the Commissioner may fund (1) intergenerational volunteer opportunities and (2) volunteer service credit projects.

Section 154 (Special Projects in Comprehensive Long-Term Care) requires the Commissioner to support the development of comprehensive systems for long-term care which are authorized in the Act.

Section 155 (Demonstration Program of Outreach to Elderly SSI, Medicaid, and Food Stamp Eligibles) authorizes appropriations for grants to State and area agencies on aging to demonstrate and evaluate effective methods to provide outreach and application assistance for SSI, Medicaid and Food Stamps to elderly individuals who are eligible for, but not receiving such assistance.

Section 156 (Demonstration Grants for Individuals with Disabilities) authorizes grants or contracts for the development of training programs for service providers under the title III and nursing home care providers to meet the special needs of older individuals with disabilities; adds to the list of projects to be given special consideration, those designed to increase older individuals' awareness, access, and use of assistive technology services, adds to the list of health care projects to be given special consideration projects which serve elderly individuals with speech, language, and/or hearing disorders; authorizes appropriations for grants to States to dem-

onstrate and evaluate cooperative projects between State long-term care ombudsman programs and State protection and advocacy systems.

Section 157 (Home-care Quality Assurance Demonstration Projects) authorizes grants for the purpose of demonstrating effective methods for assuring that the home care services provided under the Act are of high quality.

Section 158 (Authorization of Appropriations for Training, Research, and Discretionary Projects and Programs) authorizes appropriations for Title IV training, research and discretionary projects.

Part D: Community Service Employment

Section 161 (Administrative Costs of Employments Projects) freezes the cap on Title V administrative costs for employment projects at 13.5 percent and establishes specific criteria for waivers.

Section 162 (Community Service Employment for Older Indians) reserves funds for a national Indian aging contractor and a national Pacific/Asian contractor, provided that appropriations are increased.

Section 163 (Definition of Community Services) clarifies that educational services include literacy tutoring.

Section 164 (Authorization of Appropriations for Community Service Employment for Older Americans) authorizes appropriations for Title V of the Act.

Section 165 (Employment Assistance and Federal Housing and Food Stamp Programs) excludes Title V wages from consideration as income in determining eligibility for assistance for federally subsidized housing and for receipt of Food Stamps.

Part E: Native American Programs

Section 171 (Native American Programs) amends Title VI of the Act to serve Native Americans; clarifies the eligibility of older Native Americans for Title III services; authorizes grants to public or non-profit organizations to provide services to Native Hawaiians; and authorizes appropriations for Title VI Native American Programs.

Part F: Miscellaneous and Technical Amendments

Section 181 (Personal Health Education and Training Programs) authorizes appropriations for Title VII of the Act.

Section 182 (Technical Amendments) contains technical amendments.

TITLE II.—1991 WHITE HOUSE CONFERENCE ON AGING

Section 201 (Findings) sets forth the findings of Congress regarding the need for a White House Conference on Aging.

Section 202 (Authorization of the Conference) authorizes the President to call a White House Conference on Aging in 1991 and contains provisions regarding the purpose of the Conference.

Section 203 (Conference Administration) sets forth guidelines for the administration of the conference, selection of participants, and duties of the Secretary.

Section 204 (Conference Committees) gives the Secretary the authority to establish a Conference Advisory Committee and other committees, as needed, and sets forth provisions for compensation of committee members.

Section 205 (Report of the Conference) requires a proposed conference report to be provided to the States and made available for public comment, provides for a final report on the Conference, and requires the Secretary to submit recommendations to the President and Congress based on the report of the Conference.

Section 206 (Definitions) contains definitions related to this section of the Act.

Section 207 (Authorization of Appropriations) authorizes appropriations for the 1991 White House Conference on Aging.

TITLE III.—ALZHEIMER'S DISEASE RESEARCH

Section 301 (Requirement for Clinical Trials) requires the Director of the National Institute on Aging to conduct clinical trials on the use of tetrahydroaminoacridine in the treatment of Alzheimer's Disease.

Section 302 (Authorizations of Appropriations) contains the authorizations of appropriations for conducting clinical trials under Section 301.

TITLE IV.—GENERAL PROVISIONS

Section 401 (Effective Date; Application of Amendments) provides for the effective date of the amendments as October 1, 1987, and provides for certain exemptions for State and area plans approved prior to enactment.

X. Changes in Existing Law

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Older Americans Act of 1965

(Public Law 89-73)

AN ACT To provide assistance in the development of new or improved programs to help older persons through grants to the States for community planning and services and for training, through research, development, or training project grants, and to establish within the Department of Health, Education, and Welfare an operating agency to be designated as the "Administration on Aging".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Act of 1965".

TITLE I—DECLARATION OF OBJECTIVES; DEFINITIONS

DECLARATION OF OBJECTIVES FOR OLDER AMERICANS

SEC. 101. The Congress hereby finds and declares that, in keeping with the traditional American concept of the inherent dignity of the individual in our democratic society, the older people of our Nation are entitled to, and it is the joint and several duty and responsibility of the governments of the United States, and of the several States and their political subdivisions, *and of Indian tribes* to assist our older people to secure equal opportunity to the full and free enjoyment of the following objectives:

(1) An adequate income in retirement in accordance with the American standard of living.

(2) The best possible physical and mental health which science can make available and without regard to economic status.

(3) [Suitable] *Obtaining and maintaining suitable* housing, independently selected, designed and located with reference to special needs *and functional limitations* and available at costs which older citizens can afford.

(4) Full restorative services for those who require institutional care, and a comprehensive array of community-based, long-term care services adequate to appropriately sustain older people in their communities and in their homes.

(5) Opportunity for employment with no discriminatory personnel practices because of age.

(6) Retirement in health, honor, dignity—after years of contribution to the economy.

(7) [Pursuit of] *Participating in and contributing to* meaningful activity within the widest range of civic, cultural, educational and training and recreational opportunities.

(8) Efficient community services, including access to low-cost transportation, which provide a choice in supported living arrangements and social assistance in a coordinated manner and which are readily available when needed, with emphasis on maintaining a continuum of care for the vulnerable elderly.

(9) Immediate benefit from proven research knowledge which can sustain and improve health and happiness.

(10) Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives, and full participation in the planning and operation of community-based services and programs provided for their benefit *and protection against abuse, neglect, and exploitation.*

DEFINITIONS

SEC. 102. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Health and Human Servies, [other than for purposes of title V.] *except that for purposes of title V such term means the Secretary of Labor.*

(2) The term "Commissioner" means, unless the context otherwise requires, the Commissioner of the Administration on Aging.

(3) The term "State" [includes] *means any of the several States,* the District of Columbia, the Virgin Islands, *the Commonwealth of* Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(4) The term "nonprofit" as applied to any agency, institution, or organization means an agency, institution, or organization which is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(5) The term "Indian" means a person who is a member of an Indian tribe.

(6) Except for the purposes of title VI of this Act, the term "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians (including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (Public Law 92-203; 85 Stat. 688) which (A) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or (B) is located on, or in proximity to, a Federal or State reservation or rancheria.

(7) Except for the purposes of title VI of this Act, the term "tribal organization" means the recognized governing body of any Indian tribe, or any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body. In any case in which a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant.

(8) The term "Trust Territory of the Pacific Islands" includes the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

TITLE II—ADMINISTRATION ON AGING

ESTABLISHMENT OF ADMINISTRATION ON AGING

SEC. 201. (a) There is established in the Office of the Secretary an Administration on Aging (hereinafter in this Act referred to as the "Administration") which shall be headed by a Commissioner on Aging (hereinafter in this Act referred to as the "Commissioner"). Except for title V, the Administration shall be the agency for carrying out this Act. There shall be a direct reporting relationship between the Commissioner and [the Office of] the Secretary. In the performance of his functions, the Commissioner shall be directly responsible to [the Office of] the Secretary. The Secretary shall not approve or require any delegation of the functions of the Commissioner to any other officer not directly responsible to the Commissioner.

(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate.

(c)(1) There is established in the Administration on Aging an Office for Native American Programs.

(2) The Office shall be headed by an Associate Commissioner on Native American Aging appointed by the Commissioner.

(3) The Associate Commissioner on Native American Aging shall—

(A)(i) evaluate the adequacy of outreach under title III and title VI for older Native Americans and recommend to the Commissioner necessary actions to improve service delivery, outreach, coordination between title III and title VI services, and particular problems faced by older Indians and Hawaiian Natives; and

(ii) include a description of the results of such evaluation and recommendations in the annual report required by section 207(a) to be submitted by the Commissioner;

(B) serve as the effective and visible advocate in behalf of older Native Americans within the Department of Health and Human Services and with other departments and agencies of the Federal Government regarding all Federal policies affecting older Native Americans;

(C) coordinate activities betweeen other Federal departments and agencies to assure a continuum of improved services through memoranda of agreements or through other appropriate means of coordination;

(D) administer and evaluate the grants provided under this Act to Indian tribes, public agencies and nonprofit private organizations serving Hawaiian Natives;

(E) recommend to the Commissioner policies and priorities with respect to the development and operation of programs and activities conducted under the Act relating to older Native Americans;

(F) collect and disseminate information related to problems experienced by older Native Americans;

(G) develop research plans, and conduct and arrange for research, in the field of American Native aging with a special emphasis on the gathering of statistics on the status of older Native Americans; and

(H) develop and provide technical assistance and training programs to grantees under title VI.

FUNCTIONS OF COMMISSIONER

SEC. 202. (a) It shall be the duty and function of the Administration to—

(1) serve as the effective and visible advocate for the elderly within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government by maintaining active review and commenting responsibilities over all Federal policies affecting the elderly;

(2) collect and disseminate information related to problems of the aged and aging;

(3) assist the Secretary in all matters pertaining to problems of the aged and aging;

(4) administer the grants provided by this Act;

(5) develop plans, conduct and arrange for research in the field of aging, and assist in the establishment and implementation of programs designed to meet the needs of older individuals for supportive services *(including assistive technology services)*, including nutrition, hospitalization, education and training services (including preretirement training, and continuing education), low-cost transportation and housing, and health *(including mental health)* services.

(6) provide technical assistance and consultation to States and political subdivisions thereof with respect to programs for the aged and aging;

(7) prepare, publish, and disseminate educational materials dealing with the welfare of older individuals;

(8) gather statistics in the field of aging which other Federal agencies are not collecting, and take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older individuals;

(9) stimulate more effective use of existing resources and available services for the aged and aging, including existing legislative protections with particular emphasis on the application of the Age Discrimination in Employment Act of 1967;

(10) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;

(11) provide for the coordination of Federal programs and activities related to such purposes;

(12) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and private organizations or programs for older individuals with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such individuals;

(13) convene conferences of such authorities and officials of public (including Federal, State, and local agencies) and nonprofit private organizations concerned with the development and operation of programs for older individuals as the Commissioner deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

(14) develop and operate programs providing services and opportunities as authorized by this Act which are not otherwise provided by existing programs for older individuals;

(15) carry on a continuing evaluation of the programs and activities related to the purposes of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination in Employment Act of 1967, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for older people;

(16) provide information and assistance to private organizations for the establishment and operation by them of programs and activities related to the purposes of this Act;

(17) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training; [and]

(18) consult with national organizations representing minority individuals to develop and disseminate training packages and to provide technical assistance efforts designed to assist State and area agencies in providing services to older individuals with the greatest economic or social needs[.];

(19) collect for each fiscal year for fiscal years beginning after September 30, 1988, directly or by contract, statistical data regarding programs and activities carried out with funds provided under this Act, including—

(A) with respect to each type of service provided with such funds—

(i) the aggregate amount of such funds expended to provide such service;

(ii) the number of individuals who received such service: and

(iii) the number of units of such service provided;

(B) the number of senior centers which received such funds; and

(C) the extent to which each area agency on aging designated under section 305(a) satisfied the requirements of paragraphs (2) and (5)(A) of section 306(a); and

(20) consult with national organizations representing the interests of individuals with severe disabilities (A) to develop and disseminate information on population characteristics and needs, and training of personnel; and (B) to provide technical assistance designed to assist State and area agencies to provide services in collaboration with other State agencies to older individuals with disabilities and severely impairing conditions; and

(21) obtain from—

(A) the Department of Agriculture information explaining the requirements for eligibility to receive benefits under the Food Stamp Act of 1977; and

(b) the Social Security Administration information explaining the requirements for eligibility to receive supplemental security income benefits under title XVI of the Social Security Act (or assistance under a State plan program under title XVI of that Act);

and distribute such information, in written form, to State agencies, for redistribution to area agencies on aging, to carry out outreach activities and application assistance.

(b) In order to strengthen the involvement of the Administration in the development of policy alternatives in long-term care and to insure that the development of community alternatives is given priority attention, the Commissioner shall—

(1) develop planning linkages with health systems agencies designated under section 1515 of the Public Health Service Act

(42 U.S.C. 3001–4) and with utilization [and], quality control peer review organizations under title XI of the Social Security Act, *with the Alcohol, Drug Abuse, and Mental Health Administration and the Administration on Developmental Disabilities;*

(2) participate in all departmental and interdepartmental activities which concern issues of institutional and noninstitutional long-term health care services development; and

(3) review and comment on all departmental regulations and policies regarding community health and social service development for the elderly.

(c) In executing the duties and functions of the Administration under this Act and carrying out the programs and activities provided for by this Act, the Commissioner, in consultation with the Director of the ACTION Agency, shall take all possible steps to encourage and permit voluntary groups active in supportive services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways.

FEDERAL AGENCY CONSULTATION

SEC. 203. (a) The Commissioner, in carrying out the purposes and provisions of this Act, shall advise, consult, and cooperate with the head of each Federal agency or department proposing or administering programs or services substantially related to the purposes of this Act, with respect to such programs or services. The head of each Federal agency or department proposing to establish programs and services substantially related to the purposes of this Act shall consult with the Commissioner prior to the establishment of such programs and services. The head of each Federal agency administering any program substantially related to the purposes of this Act, particularly administering any program set forth in subsection (b), shall, to achieve appropriate coordination, consult and cooperate with the Commissioner in carrying out such program.

(b) For the purposes of subsection (a), programs related to the purposes of this Act shall include—

(1) the Job Training Partnership Act,

(2) title II of the Domestic Volunteer Service Act of 1973,

(3) titles XVI, XVIII, XIX, and XX of the Social Security Act,

(4) sections 231 and 232 of the National Housing Act,

(5) the United States Housing Act of 1937,

(6) section 202 of the Housing Act of 1959,

(7) title I of the Housing and Community Development Act of 1974,

(8) title I of the Higher Education Act of 1965 and the Adult Education Act,

(9) sections 3, 9, and 16 of the Urban Mass Transportation Act of 1964,

(10) the Public Health Service Act *including block grants under title XIX of such Act,*

(11) the Low-Income Home Energy Assistance Act of 1981,

(12) part A of the Energy Conservation in Existing Buildings Act of 1976, relating to weatherization assistance for low income persons.

(13) the Community Services Block Grant Act, [and]

(14) demographic statistics and analysis programs conducted by the Bureau of the Census under title 13, United States Code [.], *and*

(15) parts II and III of title 38, United States Code,

(16) the Rehabilitation Act of 1973, and

(17) the Developmental Disabilities and Bill of Rights Act.

(c) In carrying out section 341, the Commissioner shall consult with the Federal Advisory Panel on Alzheimer's disease established under section 921 of the Alzheimer's Disease and Related Dementias Services Research Act of 1986.

FEDERAL COUNCIL ON THE AGING

SEC. 204. (a)(1) There is established a Federal Council on the Aging to be composed of 15 members. Members shall serve for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed by each appointing authority so as to be representative of rural and urban older individuals, national organizations with an interest in aging, business, labor, minorities, *Indian tribes,* and the general public. At least [two] *three* of the members appointed by each appointing authority shall be older individuals. No full-time officer or employee of the Federal Government may be appointed as a member of the Council.

(2) Members appointed to the Federal Council on the Aging established by this section prior to the date of enactment of the Older Americans Act Amendments of 1984 who are serving on such date, shall continue to serve on the Federal Council established by paragraph (1) of this subsection until members are appointed in accordance with subsection (b)(1).

(b)(1)(A) The members appointed in 1985 shall be referred to as class 1 members; the members appointed in 1986 shall be referred to as class 2 members; and the members appointed in 1987 shall be referred to as class 3 members.

(B)(i) Members of each class shall be appointed in the manner prescribed by this subparagraph.

(ii) Of the members of class 1, two shall be appointed by the President, two by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and one by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.

(iii) Of the members of class 2, two shall be appointed by the President, one by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and two by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.

(iv) Of the members of class 3, one shall be appointed by the President, two by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority

Leader, and two by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(c) The President shall designate the Chairperson from among the members appointed to the Council. The Council shall meet at the call of the Chairperson at least quarterly.

(d) The Council shall—

(1) advise and assist the President on matters relating to the special needs of older Americans;

(2) review and evaluate, on a continuing basis, Federal policies regarding the aging and programs and other activities affecting the aging conducted or assisted by all Fedral departments and agencies for the purpose of appraising their value and their impact on the lives of older Americans;

(3) serve as a spokesman on behalf of older Americans by making recommendations to the President, to the Secretary, *to*, the Commissioner, and to the Congress with respect to Federal policies regarding the aging and federally conducted or assisted programs and other activities relating to or affecting them;

(4) inform the public about the problems and needs of the aging by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports; and

(5) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings, and by conducting or sponsoring conferences, workshops, and other such meetings.

(e) The Council shall have staff personnel, appointed by the Chairperson, to assist it in carrying out its activities. The head of each Federal department and agency shall make available to the Council such information and other assistance as it may require to carry out its activities.

(f) Beginning with the year 1974 the Council shall make such interim reports as it deems advisable and an annual report of its findings and recommendations to the President not later than

March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

[(g) There are authorized to be appropriated to carry out the provisions of this section $228,900 for fiscal year 1984 and $200,000 for each of the fiscal years 1985, 1986, and 1987.]

"(g) There are authorized to be appropriated to carry out the provisions of this section $210,000 for the fiscal year 1988, $221,000 for the fiscal year 1989, $232,000 for the fiscal year 1990, $243,000 for the fiscal year 1991, and $255,000 for the fiscal year 1992.

ADMINISTRATION OF THE ACT

SEC. 205. (a) In carrying out the purposes of this Act, the Commissioner is authorized to:

(1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations;

(2) provide short-term training and technical instruction;

(3) conduct research and demonstrations;

(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

(5) provide staff and other technical assistance to the Federal Council on the Aging.

(b) In administering the functions of the Administration under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and is authorized to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

(c) Not later than 120 days after the date of the enactment of the Older Americans Act Amendments of [1984,] *1987,* the Secretary shall issue and publish in the Federal Register proposed regulations for the administration of this Act. After allowing a reasonable period for public comment on such proposed rules and not later than 90 days after such publication, the Secretary shall issue, in final form, regulations for the administration of this Act.

(d) Not later than September 1 of each fiscal year, the Commissioner shall publish in the Federal Register, for the purpose of facilitating informed public comment, proposed specific goals to be achieved by implementing this Act in th first fiscal year beginning after the date of such publication.

[(d)] *(e)* For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

EVALUATION

SEC. 206. (a) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be con-

ducted by persons not immediately involved in the administration of the program or project evaluated.

(b) The Secretary may not make grants or contracts under title IV of this Act until the Secretary develops and publishes general standards to be used by the Secretary in evaluating the programs and projects assisted under such title. Results of evaluations conducted pursuant to such standards shall be included in the reports required by section 207.

(c) In carrying out evaluations under this section, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs which compare the effectiveness of related programs in achieving common objectives. In carrying out such evaluations, the Secretary shall consult with organizations concerned with older individuals, including those representing minority individuals *and older individuals with disabilities.*

(d) The Secretary shall annually publish summaries and analyses of the results of evaluative research and evaluation of program and project impact and effectiveness, including, as appropriate, health and nutrition education demonstration projects conducted under section 307(f) the full contents of which shall be transmitted to Congress, be disseminated to Federal, State, and local agencies and private organizations with an interest in aging, and be accessible to the public.

(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

(f) Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the executive branch.

(g) The Secretary is authorized to use such sums as may be required but not to exceed one-tenth of 1 percent of the funds appropriated under this Act for each fiscal year or $300,000 whichever is lower, to conduct program and project evaluations (directly, or by grants or contracts) as required by this title. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.

REPORTS

SEC. 207. (a) Not later than one hundred and twenty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this Act. [Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.] *Such annual reports shall include—*

(1) statistical data reflecting services and activities provided to individuals during the preceding fiscal year;

(2) statistical data collected under section 202(a)(19);

(3) statistical data on legal services collected pursuant to section 202(a)(19) and an analysis of the information received under section 307(a)(15)(E) by the Commissioner; and

(4) statistical date and an analysis of information regarding the effectiveness of the State agency and area agencies on aging in targeting services to older individuals with the greatest economic or social needs, with particular attention to low-income minority individuals, low-income individuals, and frail individuals (including individuals with any physical or mental functional impairment).

(b) Not later than 2 years after enactment of the Older Americans Act Amendments of 1984, the Commissioner shall prepare and submit a report to the Congress on the extent to which the need for services for the prevention of the abuse of individuals is unmet, based on information gathered pursuant to section 306(a)(6)(J).

(c)(1) Not later than January 15 of each year, the Commissioner shall compile a report—

(A) summarizing and analyzing the data collected under section 307(a)(12)(C) for the then most recently concluded fiscal year;

(B) identifying significant problems and issues revealed by such data (with special emphasis on problems relating to quality of care and residents' rights);

(C) discussing current issues concerning the long-term care ombudsman programs of the States; and

(D) making recommendations regarding legislation and administrative actions to resolve such problems.

(2) The Commissioner shall submit the report required by paragraph (1) to—

(A) the Select Committee on Aging of the House of Representatives;

(B) the Special Committee on Aging of the Senate;

(C) the Committee on Education and Labor of the House of Representatives; and

(D) the Committee on Labor and Human Resources of the Senate.

(3) The Commissioner shall provide the report required by paragraph (1), and make the State reports required by section 307(a)(12)(I)(i) available, to—

(A) the Administrator of the Health Care Finance Administration;

(B) the Office of the Inspector General of the Department of Health and Human Services;

(C) the Office of Civil Rights of the Department of Health and Human Services;

(D) the Administrator of the Veterans' Administration; and

(E) the public agencies and private organizations designated under section 307(a)(12)(A).

JOINT FUNDING OF PROJECTS

SEC. 208. Pursuant to regulations prescribed by the President and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one

Federal agency to any agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided, In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

ADVANCE FUNDING

SEC. 209. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

APPLICATION OF OTHER LAWS

SEC. 210. (a) The provisions and requirements of the Act of December 5, 1974 (Public Law 93-510; 88 Stat. 1604) shall not apply to the administration of the provisions of this Act or to the administration of any program or activity under this Act.

(b) No part of the costs of any project under any title of this Act may be treated as income or benefits to any eligible individual (other than any wage or salary to such individual) for the purpose of any other program or provision of Federal or State law.

REDUCTION OF PAPERWORK

SEC. 211. In order to reduce unnecessary, duplicative, or disruptive demands for information, the Commissioner, in consultation with State agencies designated under section 305(a)(1) and other appropriate agencies and organizations, shall continually review and evaluate all requests by the Administration on Aging for information under this Act and take such action as may be necessary to reduce the paperwork required under this Act. The Commissioner shall request only such information as the Commissioner deems essential to carry out the purposes and provisions of this Act and, in gathering such information, shall make use of uniform service definitions to the extent that such definitions are available.

CONTRACTING AND GRANT AUTHORITY

SEC. 212. None of the provisions of this Act shall be construed to prevent a recipient of a grant or a contract from entering into an agreement, subject to the approval of the State agency *(or in the case of a grantee under title VI, subject to the recommendation of the Associate Commissioner on Native American Aging and the approval of the Commissioner),* with a profitmaking organization to

carry out the provisions of this Act and of the appropriate State plan.

SURPLUS PROPERTY ELIGIBLITY

SEC. 213. Any State or local government agency, and any nonprofit organization or institution, which receives funds appropriated for programs for older individuals under this Act, under title IV or title XX of the Social Security Act, or under titles VIII and X of the Economic Opportunity Act of 1964 and the Community Services Block Grant Act, shall be deemed eligible to receive for such programs, property which is declared surplus to the needs of the Federal Government in accordance with laws applicable to surplus property.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

PART A—GENERAL PROVISIONS

PURPOSE; ADMINISTRATION

SEC. 301. (a) It is the purpose of this title to encourage and assist State and area agencies to concentrate resources in order to develop greater capacity and foster the development and implementation of comprehensive and coordinated service systems to serve older individuals by entering into new cooperative arrangments in each State with State and area agencies, *with Indian tribes, tribal organizations, and Hawaiian Native organizations,* and with the providers, including voluntary organizations, of supportive services, including nutrition services and multipurpose senior centers, for the planning, and for the provision of, supportive services, nutrition services, and multipurpose senior centers, in order to—

(1) secure and maintain maximum independence and dignity in a home environment for older individuals capable of self care with appropriate supportive services;

(2) remove individual and social barriers to economic and personal independence for older individuals; and

(3) provide a continuum of care for the vulnerable elderly.

(b)(1)*(a)* In order to effectively carry out the purpose of this title, the Commissioner shall administer programs under this title through the Administration on Aging.

(b) In carrying out the provisions of this title, the Commissioner may request technical assistance and cooperation of other agencies and units of the Department of Health and Human Services, including the National Institute on Aging, the Health Care Financing Administration, and the Social Security Administration.

(c) The Commissioner shall provide technical assistance and training (by contract, grant, or otherwise) to State long-term care ombudsman programs established under section 307(a)(12), and to individuals designated under such section to be representatives of a long-term care ombudsman, in order to enable such ombudsmen and such representatives to carry out the ombudsman program effectively.

(2) In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of the De-

partment of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Transportation, the Office of Community Services, *the Veterans' Administration, the Alcohol, Drug Abuse, and Mental Health Administration,* and such other agencies and departments of the Federal Government as may be appropriate.

DEFINITIONS

SEC. 302. For the purpose of this title—

(1) The term "comprehensive and coordinated system" means a system for providing all necessary supportive services, including nutrition services, in a manner designed to—

(A) facilitate accessibility to, and utilization of, all supportive services and nutrition services provided within the geographic area served by such system by any public or private agency or organization;

(B) develop and make the most efficient use of supportive services and nutrition services in meeting the needs of older individuals; and

(C) use available resources efficiently and with a minimum of duplication.

(2) The term "information and referral source" means a location where the State or any public or private agency or organization—

(A) maintains current information with respect to the opportunities and services available to older individuals, and develops current lists of older individuals in need of services and opportunities; and

(B) employs, where feasible, a specially trained staff to assess the needs and capacities of older individuals, to inform older individuals of the opportunities and services which are available, and to assist such individuals to take advantage of such opportunities and services.

(3) The term "long-term care facility" means any skilled nursing facility, as defined in section 1861(j) of the Social Security Act, any intermediate care facility, as defined in section 1905(c) of the Social Security Act, any nursing home, as defined in section 1908(e) of the Social Security Act, any category of institutions regulated by a State pursuant to the provisions of section 1616(e) of the Social Security Act (for purposes of section 307(a)(12)), and any other similar adult care home.

(4) The term "legal assistance" means legal advice and representation by an attorney (including, to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the supervision of an attorney), and includes counseling or representation by a nonlawyer where permitted by law, to older individuals with economic or social needs.

(5) The term "planning and service area" means an area specified by a State agency under section 305(a)(1)(E).

[(6) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Terri-

tory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.]

[(7)] *(6)* The term "State agency" means the State agency designated by a State under section 305(a)(1).

[(8)] *(7)* The term "unit of general purpose local government" means—

(A) a political subdivision of the State whose authority is general and not limited to only one function or combination of related functions; or

(B) an Indian tribal organization.

[(9)] *(8)* The term "education and training service" means a supportive service designed to assist older individuals to better cope with their economic, health, and personal needs through services such as consumer education, continuing education, health education, preretirement education, financial planning, and other education and training services which will advance the objectives of this Act.

[(10)] *(9)* The term "older individual" means any individual who is 60 years of age or older.

[(11)] *(10)* The term "multipurpose senior center" means a community facility for the organization and provision of a broad spectrum of services, which shall include, but not be limited to, provision of health *(including mental health)* social, nutritional, and educational services and the provision of facilities for recreational activities for older individuals.

[(12)] *(11)* The term "focal point" means a facility established to encourage the maximum collocation and coordination of services for older individuals.

(12) The term "individual with disabilities" means an individual—

(A) who has a disability attributable to mental or physical impairment or a combination of mental and physical impairments that result in substantial functional limitations in one or more of the following areas of major life activity: (i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, (vii) economic self-sufficiency; (viii) cognitive functioning, and (ix) emotional adjustment; and

(B) who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke, epilepsy, Parkinson's disease, Alzheimer's disease and related dementia), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined to cause comparable substantial functional limitation.

(13) The term "severe disability" means a severe, chronic disability of an individual that—

(A) is likely to continue indefinitely;

(B) results in substantial functional limitation in three or more of the major life activities specified in paragraph (13)(A) (i) through (vii); and

(C) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

(14) The term "greatest economic need" means the need resulting from an income level at or below the poverty levels established by the Office of Management and Budget.

(15) The term "greatest social need" means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, and cultural, social, or geographical isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threatens such individual's capacity to live independently.

(1) The term "abuse" means the willful—

(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm or pain or mental anguish; or

(B) deprivation by a caretaker of goods or services which are necessary to avoid physical harm, mental anguish, or mental illness.

(17) The term "elder abuse" means abuse of an older individual.

(18) The term "caretaker" means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, receipt of payment for care, as a result of family relationship, or by order of a court of competent jurisdiction.

(19) The term "exploitation" means the illegal or improper act or process of a caretaker using the resources of an older individual for monetary or personal benefit, profit, or gain.

(20) The term "neglect" means the failure to provide for oneself the goods or services which are necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.

(21) The term "physical harm" means bodily pain, injury, impairment, or disease.

(22) The term "supportive services" includes assistive technology services.

(23) The term "assistive technology services" means services designed to apply technology, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with functional limitations.

AUTHORIZATION OF APPROPRIATIONS; USES OF FUNDS

SEC. 303. (a) [There are authorized to be appropriated $350,300,000 for fiscal year 1984, $325,700,000 for fiscal year 1985, $343,600,000 for fiscal year 1986, and $361,500,000 for fiscal year 1987, for the purpose of making grants under part B of this title (relating to supportive services and senior centers).] *(1) There are*

authorized to be appropriated $379,575,000 for the fiscal year 1988, $398,554,000 for the fiscal year 1989, $418,481,000 for the fiscal year 1990, $439,406,000 for the fiscal year 1991, and $461,376,000 for the fiscal year 1992 for the purpose of making grants under part B of this title (relating to supportive services and senior centers).

(2) There are authorized to be appropriated an additional $20,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, 1991, and 1992 for such part B to be available for section 307(a)(12).

[(b)(1) There are authorized to be appropriated $365,300,000 for fiscal year 1984, $360,800,000 for fiscal year 1985, $376,500,000 for fiscal year 1986, and $395,000,000 for fiscal year 1987, for the purpose of making grants under subpart 1 of part C of this title (relating to congregate nutrition services).

[(2) There are authorized to be appropriated $68,700,000 for fiscal year 1984, $69,100,000 for fiscal year 1985, $72,000,000 for fiscal year 1986, and $75,600,000 for fiscal year 1987, for the purpose of making grants under subpart 2 of part C of this title (relating to home delivered nutrition services).]

(b)(1) There are authorized to be appropriated $414,750,000 for the fiscal year 1988, $435,488,000 for the fiscal year 1989, $457,262,000 for the fiscal year 1990, $480,125,000 for the fiscal year 1991, and $504,131,000 for the fiscal year 1992 for the purpose of making grants under subpart 1 of part C of this title (relating to congregate nutrition services).

(2) There are authorized to be appropriated $79,380,000 for the fiscal year 1988, $83,349,000 for the fiscal year 1989, $87,516,000 for the fiscal year 1990, $91,892,000 for the fiscal year 1991, and $96,487,000 for the fiscal year 1992 for the purpose of making grants under subpart 2 of part C of this title (relating to home delivered nutrition services).

(c) Grants made under parts B and C of this title may be used for paying part of the cost of—

(1) the administration of area plans by area agencies on aging designated under section 305(a)(2)(A), including the preparation of area plans on aging consistent with section 306 and the evaluation of activities carried out under such plans; and

(2) the development of comprehensive and coordinated systems for supportive services, congregate and home delivered nutrition services, the development and operation of multipurpose senior centers, and the delivery of legal assistance.

(d) There are authorized to be appropriated $25,000,000 for fiscal year 1988, $26,250,000 for fiscal year 1989, $27,563,000 for the fiscal year 1990, $28,941,000 for the fiscal year 1991, and $30,388,000 for the fiscal year 1992 for the purpose of making grants under part D of this title (relating to in-home services).

(e) There are authorized to be appropriated $5,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, 1991, and 1992 for the purpose of making grants under part E of this title (relating to periodic preventive health, health education, and promotion services).

(f) There are authorized to be appropriated $5,000,000 for the fiscal year 1988 and such sums as may be necessary for each of the

fiscal years 1989, 1990, 1991, and 1992 to carry out part F (relating to abuse, neglect, and exploitation of older individuals).

ALLOTMENT; FEDERAL SHARE

SEC. 304. (a)(1) Subject to paragraph (2), from the sums appropriated under section 303 for each fiscal year, each State shall be allotted an amount which bears the same ratio to such sums as the population aged 60 or older in such State bears to the population aged 60 or older in all States, except that (A) no State shall be allotted less than one-half of 1 percent of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, the Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted not less than one-fourth of 1 percent of the sum appropriated for the fiscal year for which the determination is made; and (C) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in clause (A) only, the term, "State" does not include Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(2) No State shall be allotted less than the total amount allotted to the State under paragraph (1) of this subsection and section 308 for fiscal year 1984.

(3) The number of individuals aged 60 or older in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to the Commissioner.

(b) Whenever the Commissioner determines that any amount allotted to a State under part B or C for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, the Commissioner shall make such allotment available for carrying out such purpose to one or more other States to the extent the Commissioner determines that such other State will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under subsection (a)) for such year, but shall remain available until the end of the succeeding fiscal year.

[(c) If the Commissioner finds that any State has failed to qualify under the State plan requirements of section 307, the Commissioner shall withhold the allotment of funds to such State referred to in subsection (a). The Commissioner shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State submitting an approved plan under section 307, which includes an agreement that any such payment shall be matched in the proportion determined under subsection (d)(1)(D) for such State, by funds or in-kind resources from non-Federal sources.]

(c) The provisions of section 307(d) shall apply to a State's failure to qualify under the State planning requirements of section 307.

(d)(1) From any State's allotment, after the application of section 308(b), under this section for any fiscal year—

(A) such amount as the State agency determines, but not more than [8.5] *10* percent thereof, shall be available for paying such percentage as the agency determines, but not more than 75 percent, of the cost of administration of area plans;

(B) such amount as the State agency determines to be adequate for conducting an effective ombudsman program under section 307(a)(12) shall be available for conducting such program;

(C) after September 30, 1986, such amount as the State agency determines to be adequate, but not more than 1 percent, for conducting effective demonstration projects in health and nutrition education under section 307(f) shall be available for conducting such projects; and

(D) the remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 85 percent of the cost of supportive services, senior centers, and nutrition services under this title provided in the State as part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Commissioner may attribute fair market value to services and facilities contributed from non-Federal sources.

ORGANIZATION

SEC. 305. (a) In order for a State to be eligible to participate in programs of grants to States from allotments under this title—

(1) the State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency to—

(A) develop a State plan to be submitted to the Commissioner for approval under section 307;

(B) administer the State plan within such State;

(C) be primarily responsible for the coordination of all State activities related to the purposes of this Act;

(D) serve as an effective and visible advocate for the elderly by reviewing and commenting upon all State plans, budgets, and policies which affect the elderly and providing technical assistance to any agency, organization, association, or individual representing the needs of the elderly; and

(E) divide the State into distinct planning and service areas (or in the case of a State specified in subsection (b)(5)(A), designate the entire State as a single planning and service area), in accordance with guidelines issued by the Commissioner, after considering the geographical distribution of individuals aged 60 and older in the State, the incidence of the need for supportive services, nutrition services, multipurpose senior centers, and legal [services]

assistance, the distribution of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such areas, the distribution of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such areas, the distribution of older Indians residing in such areas, [the distribution of older individuals who have low incomes residing in such areas,] the distribution of resources available to provide such services or centers, the boundaries of existing areas within the State which were drawn for the planning or administration of supportive services programs, the location of units of general purpose local government within the State, and any other relevant factors; and

(2) the State agency designated under clause (1) shall—

(A) except as provided in subsection (b)(5), designate for each such area after consideraion of the views offered by the unit or units of general purpose local govenment in such area, a public or private nonprofit agency or organization as the area agency on aging for such area;

(B) provide assurances, satisfactory to the Commissioner, that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of supportive services or nutrition services, or individuals using multipurpose senior centers provided under such plan;

(C) develop a formula, in accordance with guidelines issued by the Commissioner, for the distribution within the State of funds received under this title, taking into account, to the maximum extent feasible, the best available statistics on the geographical distribution of individuals aged 60 and older in the State, and publish such formula for review and comment *in accordance with subsection (d);*

(D) submit its formula developed under subclause (C) to the Commissioner for review and comment; [and]

(E) provide assurance that preference will be given to providing services to older individuals with the greatest economic or social needs, with particular attention to low-income minority individuals, and include proposed methods of carrying out the preference in the State plan[.]*;*

(F) assure the use of outreach efforts that will identify individuals eligible for assistance under this Act,with special emphasis on older individuals with the greatest economic or social needs (with particular attention to low-income minority individuals) and inform such individuals of the availability of such assistance; and

(G) provide assurances that the State agency will consult with State and area agencies with primary responsibility for individuals with disabilities, including severe disabilities, and develop collaborative programs, where appropriate, to meet the needs of older individuals with disabilities.

(b)(1) In carrying out the requirement of clause (1) of subsection (a), the State may designate as a planning and service area any

unit of general purpose local government which has population of 100,000 or more. In any case in which a unit of general purpose local government makes application to the State agency under the preceding sentence to be designated as a planning and service area, the State agency shall, upon request, provide an opportunity for a hearing to such unit of general purpose local government. A State may designate as a planning and service area under clause (1) of subsection (a) any region within the State recognized for purposes of areawide planning which includes one of more such units of general purpose local government when the State determines that the designation of such a regional planning and service area is necessary for, and will enhance, the effective administration of the programs authorized by this title. The State may include in any planning and service area designated under clause (1) of subsection (a) such additional areas adjacent to the unit of general purpose local government or regions so designated as the State determines to be necessary for, and will enhance the effective administration of the programs authorized by this title.

(2) The State is encouraged in carrying out the requirement of clause (1) of subsection (a) to include the area covered by the appropriate economic development district involved in any planning and service area designated under such clause, and to include all portions of an Indian reservation within a single planning and service area, if feasible.

(3) The chief executive officer of each State in which a planning and service area crosses State boundaries, or in which an interstate Indian reservation is located, may apply to the Commissioner to request redesignation as an interstate planning and service area comprising the entire metropolitan area or Indian reservation. If the Commissioner approves such an application, the Commissioner shall adjust the State allotments of the areas within the planning and service area in which the interstate planning and service area is established to reflect the number of older individuals within the area who will be served by an interstate planning and service area not within the State.

(4) Whenever a unit of general purpose local government a region, a metropolitan area or an Indian reservation is denied designation under the provisions of clause (1) of subsection (a), such unit of general purpose local government, region, metropolitan area, or Indian reservation may appeal the decision of the State agency to the Commissioner. The Commissioner shall afford such unit, region, metropolitan area, or Indian reservation an opportunity for a hearing. In carrying out the provisions of this paragraph, the Commissioner may approve the decision of the State agency, disapprove the decision of the State agency and require the State agency to designate the unit, region, area, or Indian reservation appealing the decision as planning and service area, or take such other action as the Commissioner deems appropriate.

(5)(A) A State which on or before October 1, 1980, had designated with the approval of the Commissioner, a single planning and service area covering all of the older individuals in the State, in which the State agency was administering the area plan, may after that date designate one or more additional planning and service areas within the State to be administered by public or private nonprofit

agencies or organizations as area agencies on aging, after considering the factors specified in subsection (a)(1)(E). The State agency shall continue to perform the functions of an area agency for any area of the State not included in a planning and service area for which an area agency has been designated.

(B) Whenever a State agency designates a new area agency on aging after the date of enactment of the Older Americans Act Amendments of 1984, the State agency shall give the right to first refusal to a unit of general purpose local government if (i) such unit can meet the requirements of subsection (c), and (ii) the boundaries of such a unit and the boundaries of the area are reasonably contiguous.

(c) An area agency on aging designated under subsection (a) shall be—

(1) an established office of aging which is operating within a planning and service area designated under subsection (a);

(2) any office or agency of a unit of general purpose local government, which is designated *to function only* for the purpose of serving as an area agency by the chief elected official of such unit;

(3) any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act *only* on behalf of such combination for such purpose;

(4) any public or nonprofit private agency in a planning and service area *or any separate organizational unit within such agency* which is under the supervision or direction for this purpose of the designated State agency and which can [engage] *and will engage only* in the planning or provision of a broad range of supportive services, or nutrition services within such planning and service area; or

(5) in the case of a State specified in subsection (b)(5), the State agency;

and shall provide assurance, determined adequate by the State agency, that the area agency will have the ability to develop an area plan to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area. In designating an area agency on aging within the planning and service area or within any unit of general purpose local government designated as a planning and service area the State shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

[(d)(1)] *(d)* The publication for review and comment required by clause (2)(C) of subsection (a) shall include—

(A) a descriptive statement of the formula's assumptions and goals, and the application of the definitions of greatest economic or social need.

(B) a numerical statement of the actual funding formula to be used,

(C) a listing of the population, economic, and social data to be used for each planning and service area in the State, and

(D) a demonstration of the allocation of funds, pursuant to the funding formula, to each planning and service area in the State.

[(2) For purposes of clause (2)(E) of subsection (a) and paragraph (1) of this subsection, the term "greatest economic need" means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census, and the term "greatest social need" means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, and cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threatens his or her capacity to live independently.]

AREA PLANS

SEC. 306. (a) Each area agency on aging designated under section 305(a)(2)(A) shall, in order to be approved by the State agency, prepare and develop an area plan for a planning and service area for a two-, three-, or four-year period determined by the State ageny, with such annual adjustments as may be necessary. Each such plan shall be based upon a uniform format for area plans within the State prepared in accordance with section 307(a)(1). Each such plan shall—

(1) provide, through a comprehensive and coordinated system, for supportive services, nutrition services, and, where appropriate, for the establishment, maintenance, or construction of multipurpose senior centers, within the planning and service area covered by the plan, including determining the extent of need for supportive services, nutrition services, and multipurpose senior centers in such area (taking into consideration, among other things, the number of older individuals with low incomes residing in such area, *and the number of older Indians, the number of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such area, the number of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such area,* and the efforts of voluntary organizations in the community), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of supportive services, nutrition services, or multipurpose senior centers in such area, for the provision of such services or centers to meet such need;

[(2) provide assurances that an adequate proportion of the amount allotted for part B to the planning and service area will be expended for the delivery of each of the following categories of services—

[(A) services associated with access to services (transportation, outreach, and information and referral);

[(B) in-home services (homemaker and home health aides, visiting and telephone reassurance, chore maintenance, and supportive services for families of elderly vic-

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tims of Alzheimer's disease and other neurological and organic brain disorders of the Alzheimer's type); and

[(C) legal assistance;

and specify annually in such plan, as submitted or as amended, in detail the amount of funds expended for each such category during the fiscal year most recently concluded;]

(2)(A) provide assurances that adequate services associated with access to services (transportation, outreach, information, and referral) are provided in the planning and service delivery area; and

(B) provide assurances that an adequate proportion (as described in section 307(a)(22)) of the amount allotted for part B to the planning and service area will be expended for the delivery of legal assistance for older individuals;

(3) designate, where feasible, a focal point for comprehensive service delivery in each community, giving special consideration to designating multipurpose senior centers as such focal point;

(4) provide for the establishment and maintenance of information and referral services in sufficient numbers to assure that all older individuals within the planning and service area covered by the plan will have reasonably convenient access to such services;

(5)(A)*(i)* provide assurances that preference will be given to providing services to older individuals with the greatest economic or social needs, with particular attention to low-income minority individuals, and include proposed methods of carrying out the preference in the area plan; [and]

(ii) provide assurances that the area agency will include in each agreement made with a provider of any service under this title, a requirement that such provider will—

(I) specify how the provider intends to satisfy the service needs of low-income minority individuals in the area served by the provider; and

(II) will attempt to provide services to low-income minority individuals in at leat the same proportion as the population of low-income minority older individuals bears to the population of older individuals of the area served by such provider; and

(iii) with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

(I) identify the number of low-income minority older individuals in the planning and service area; and

(II) describe the methods used to satisfy the service needs of such minority older individuals; and

(B) assure the use of outreach efforts that will identify individuals eligible for assistance under this Act, with special emphasis on rural elderly, *older individuals who have greatest economic need (with particular attention to low-income minority individuals), elderly with severe disabilities and older individuals who have greatest social need (with particular attention to low-income minority individuals),* and inform such individuals of the availability of such assistance; *and*

(6) provide that the area agency on aging will—

(A) conduct periodic evaluations of *and public hearings on* activities carried out under the area plan *and an annual evaluation of the effectiveness of outreach conducted under paragraph (5)(B)*;

(B) furnish appropriate technical assistance to providers of supportive services, nutrition services, or multipurpose senior centers in the planning and service area covered by the area plan;

(C) take into account in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

(D) serve as the advocate and focal point for the elderly within the community by monitoring, evaluating, and commenting upon all policies, programs, hearings, levies, and community actions which will affect the elderly;

(E) where possible, enter into arrangements with organizations providing day care services for children *or adults, and respite for families*, so as to provide opportunities for older individuals to aid or assist on a voluntary basis in the delivery of such services to children, *adults and families;*

(F) establish an advisory council consisting of older individuals (including minority individuals) who are participants or who are eligible to participate in programs assisted under this Act, representatives of older individuals, local elected officals, *providers of veterans' health care (if appropriate)*, and the general public, to advise continuously the area agency on all matters relating to the development of the area plan, the administration of the plan and operations conducted under the plan;

(G) develop and publish methods by which priority of services is determined, particularly with respect to the delivery of services under clause (2);

(H) establish effective and efficient procedures for coordination between the programs assisted under this title and programs described in section 203(b);

(I) conduct efforts to facilitate the coordination of community-based, long-term care services designed to retain individuals in their homes, thereby deferring unnecessary, costly institutionalization, and designed to emphasize the development of client-centered case management systems as a component of such services;

(J) identify the public and private nonprofit entities involved in the prevention, identification, and treatment of the abuse, neglect, and exploitation of older individuals, and based on such identification, determine the extent to which the need for appropriate services for such individuals is unmet; [and]

(K) facilitate the involvement of long-term care providers in the coordination of community-based long-term care services and work to ensure community awareness of and involvement in addressing the needs of residents of long-term care facilities[.]*;*

(L) coordinate the categories of services specified in paragraph (2) for which the area agency on aging is required to expend funds under part B, with activities of community-based organizations established for the benefit of victims of Alzheimer's disease and the families of such victims;

(M) coordinate any mental health services provided with funds expended by the area agency on aging for part B with the mental health services provided by community health centers and by other public agencies and nonprofit private organizations; and

(N) if there is a significant population of older Indians in the planning and service area of the area agency, the area agency shall conduct outreach activities to identify older Indians in such area and shall inform such older Indians of the availability of assistance under this Act.

[For purposes of clause (5)(A), the term "greatest economic need" means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census and the term "greatest social need" means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently.]

(7) provide assurances that any amount received under part D will be expended in accordance with such part;

(8) provide assurances that any amount received under part E will be expended in accordance with such part; and

(9) provide assurances that any amount received under part F will be expended in accordance with such part.

[(b)(1) Each State, in approving area agency plans under this section, shall waive the requirement described in clause (2) of subsection (a) for any category of services described in such clause if the area agency on aging demonstrates to the State agency that services being furnished for such category in the area are sufficient to meet the need for such services in such area.]

(b)(1) Each State, in approving area agency plans under this section, shall waive the requirement described in clause (2)(B) of subsection (a) if the area agency has demonstrated that the legal assistance services being furnished to older individuals are sufficient to meet the need for such services after taking into account services provided by the Legal Services Corporation, the private bar or groups within the private bar furnishing services to older individuals on a pro bono and established reduced fee basis in that planning and service delivery area.

(2)(A) Before an area agency on aging requests a waiver under paragraph (1) of this subsection, the area agency on aging shall conduct a timely public hearing in accordance with the provisions of this paragraph. The area agency on aging requesting a waiver shall notify all interested parties in the area of the public hearing and furnish the interested parties with an opportunity to testify.

(B) The area agency on aging shall prepare a record of the public hearing conducted pursuant to subparagraph (A) and shall furnish

the record of the public hearing with the request for a waiver made to the State under paragraph (1).

(C) Whenever the State agency proposes to grant a waiver to an area agency under this subsection, the State agency shall publish the intention to grant such a waiver together with the justification for the waiver at least 30 days prior to the effective date of the decision to grant the waiver. An individual or a service provider from the area with respect to which the proposed waiver applies is entitled to request a hearing before the State agency on the request to grant such waiver. If, within the 30-day period described in the first sentence of this subparagraph, an individual or service provider requests a hearing under this subparagraph, the State agency shall afford such individual or provider an opportunity for a hearing.".

(c)(1) Subject to regulations prescribed by the Commissioner, an area agency on aging disignated under section 305(a)(2)(A) or, in areas of a State where no such agency has been designated, the State agency, may enter into agreement with agencies administering programs under the Rehabilitation Act of 1973, and titles XIX and XX of the Social Security Act for the purpose of developing and implementing plans for meeting the common need for transportation services of individuals receiving benefits under such Acts and older individuals participating in programs authorized by this title.

(2) In accordance with an agreement entered into under paragraph (1), funds appropriated under this title may be used to purchase transportation services for older individuals and may be pooled with funds made available for the provisions of transportation services under the Rehabilitation Act of 1973, and titles XIX and XX of the Social Security Act.

(d) An area agency on aging may not require any provider of legal assistance under this title to reveal any information that is protected by the attorney-client privilege.

STATE PLANS

SEC. 307. (a) Except as provided in section 309(a), each State, in order to be eligible for grants from its allotment under this title for any fiscal year, shall submit to the Commissioner a State plan for a two-, three-, or four-year period determined by the State agency, with such annual revisions as are necessary, which meets such criteria as the Commissioner may by regulation prescribe. Each such plan shall [—] *comply with all of the following requirements:*

(1) *The plan shall* contain assurances that the State plan will be based upon area plans developed by area agencies on aging within the State designated under section 305(a)(2)(A) and that the State will prepare and distribute a uniform format for use by area agencies in developing area plans under section 306 [;].

(2) *The plan shall* provide that each area agency on aging designated under section 305(a)(2)(A) will develop and submit to the State agency for approval an area plan which complies with the provisions of section 306 [;].

(3)(A) The plan shall provide that the State agency will evaulate the need for supportive services (including legal assistance

and mental health services), nutrition services, and multipurpose senior centers within the State and determine the extent to which existing public or private programs meet such need;

(B) The plan shall provide assurances that the State agency will spend in each fiscal year, for services to older individuals residing in rural areas in the State assisted under this title, an amount equal to not less than 105 percent of the amount expended for such services (including amounts expended under title V and title VII) in fiscal year 1978[;].

(4) *The plan shall* provide for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards of the merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan, and, where necessary, provide for the reorganization and reassignment of functions to assure such efficient administration[;].

(5) *The plan shall* provide that the State agency will afford an opportunity for a hearing upon request to any agency on aging submitting a plan under this title, to any provider of a service under such a plan, or to any applicant to provide a service under such a plan[;].

(6) *The plan shall* provide that the State agency will make such reports, in such form, and containing such information, as the Commissioner may require, and comply with such requirements as the Commissioner may impose to insure the correctness of such reports;

(7) *The plan shall* provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid to the recipients of a grant or contract;

(8) *The plan shall* provide that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan *including an evaluation of the effectiveness of the State agency in reaching older individuals with the greatest economic or social needs with particular attention to low-income minority individuals.*

(9) *The plan shall* provide for establishing and maintaining information and referral services in sufficient numbers to assure that all older individuals in the State who are not furnished adequate information and referral services under section 306(a)(4) will have reasonably convenient access to such services[;].

(10) *The plan shall* provide that no supportive services or nutrition services *and in-home services (as defined in section 342(1))* will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such services by the State agency or an area agency on aging is necessary to assure an adequate

supply of such services, or where such services are directly related to such State or area agency on aging's administrative functions, or where such services of comparable quality can be provided more economically by such State or area agency on aging[;].

(11) *The plan shall* provide that subject to the requirements of merit employment systems of State and local governments, preference shall be given to individuals aged 60 or older for any staff positions (full time or part time) in State and area agencies for which such individuals qualify[;].

[(12) provide assurances that the State agency will—

[(A) establish and operate, either directly or by contract or other arrangement with any public agency or other appropriate private nonprofit organization, other than an agency or organization which is responsible for licensing or certifying long-term care services in the State or which is an association (or an affiliate of such an association) of long-term care facilities (including any other residential facility for older individuals), a long-term care ombudsman program which provides an individual who will, on a full-time basis—

[(i) investigate and resolve complaints made by or on behalf of older individuals who are residents of long-term care facilities relating to administrative action which may adversely affect the health, safety, welfare, and rights of such residents;

[(ii) monitor the development and implementation of Federal, State, and local laws, regulations, and policies with respect to long-term care facilities in that State;

[(iii) provide information as appropriate to public agencies regarding the problems of older individuals residing in long-term care facilities;

[(iv) provide for training staff and volunteers and promote the development of citizen organizations to participate in the ombudsman program; and

[(v) carry out such other activities as the Commissioner deems appropriate;

[(B) establish procedures for appropriate access by the ombudsman to long-term care facilities and patients' records, including procedures to protect the confidentiality of such records and ensure that the identity of any complainant or resident will not be disclosed without the written consent of such complainant or resident, or upon court order;

[(C) establish a statewide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems, with provision for submission of such data to the agency of the State responsible for licensing or certifying long-term care facilities in the State and to the Commissioner on a regular basis;

[(D) establish procedures to assure that any files maintained by the ombudsman program shall be disclosed only

at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of any complainant or resident of a long-term care facility shall not be disclosed by such ombudsman unless—

[(i) such complainant or resident, or his legal representative, consents in writing to such disclosure; or

[(ii) such disclosure is required by court order; and

[(E) in planning and operating the ombudsman program, consider the views of area agencies on aging, older individuals, and provider agencies;]

(12) The plan shall provide assurances, with respect to a long-term care ombudsman program, that—

(A) the State agency will establish and operate, either directly or by contract or other arrangement with any public agency or other appropriate private nonprofit organization, other than an agency or organization which is responsible for licensing or certifying long-term care services in the State or which is an association (or an affiliate of such as association) of long-term care facilities (including any other residential facility for older individuals), an Office of the State Long-Term Care Ombudsman (in this paragraph referred to as the "Office") and shall carry out through the Office a long-term care ombudsman program which provides an individual who will, on a full-time basis—

(i) investigate and resolve complaints made by or on behalf of older individuals who are residents of long-term care facilities relating to action, inaction, or decision of providers, or their representatives, of long-term care services, of public agencies, or of social service agencies, which may adversely affect the health, safety, welfare, or rights of such residents;

(ii) provide for training staff and volunteers and promote the development of citizen organizations to participate in the ombudsman program; and

(iii) Carry out such other activities as the Commissioner deems appropriate;

(B) the State agency will establish procedures for appropriate access by the ombudsman to a long-term care facilities and patent's records, including procedures to project the confidentiality of such records and ensure that the identity of any complainant or resident will not be disclosed without the written consent of such complainant or resident, or upon court order;

(C) the State agency will establish a statewide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems, with provision for submission of such data to the agency of the State responsible for licensing or certifying long-term care facilities in the State and to the Commissioner on a regular basis;

(D) the State agency will establish procedures to assure that any files maintained by the ombudsman program shall be disclosed only at the discretion of the ombudsman

having authority over the disposition of such files, except that the identity of any complainant or resident of a long-term care facility shall not be disclosed by such ombudsman unless—

(i) such complainant or resident, or his legal representative, consents in writing to such disclosure; or

(ii) such disclosure is required by court order;

(E) the State agency will establish a statewide toll-free hotline to facilitate communication of complaints to the ombudsman by residents of long-term care facilities, by any person on behalf of such residents and recipients, and by any other person;

(F) in planning and operating the ombudsman program, the State agency will consider the views of area agencies on aging, older individuals, and provider agencies;

(G) the State agency will—

(i) ensure that no individual involved in the designation of the long-term care ombudsman (whether by appointment or otherwise) or the designation of the head of any subdivision of the Office is subject to a conflict of interest;

(ii) ensure that no officer, employee, or other representative of the Office is subject to a conflict of interest; and

(iii) ensure that mechanisms are in place to identify and remedy any such or other similar conflicts;

(H) the State agency will—

(i) ensure that adequate legal counsel is available to the Office for advice and consultation and that legal represenation is provided to any representative of the Office against whom suit or other legal action is brought in connection with the performance of such representative's official duties; and

(ii) ensure that the Office has the ability to pursue administrative, legal, and other appropriate remedies on behalf of residents of long-term care facilities;

(I) the State agency will require the Office to—

(i) prepare an annual report containing data and findings regarding the types of problems experienced and complaints received by or on behalf of individuals residing in long-term care facilities, and to provide policy, regulatory, and legislative recommendations to solve such problems and resolve such complaints and improve the quality of care and life in long-term care facilities;

(ii) analyze and monitor the development and implementation of Federal, State, and local laws, regulations, and policies with respect to long-term care facilities and services in that State, and recommend any changes in such laws, regulations, and policies deemed by the Office to be appropriate;

(iii) provide information to public agencies, legislators, and others, as deemed necessary by the Office, regarding the problems and concerns, including recom-

mendations related to such problems and concerns, of older individuals residing in long-term care facilities;

(iv) provide for the training of the Office staff, including volunteers and other representatives of the Office, in—

(I) Federal, State, and local laws, regulations, and policies with respect to long-term care facilities in the State;

(II) investigative techniques; and

(III) such other matters as the State deems appropriate;

(v) coordinate ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illness established under part A of the Development Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.) and under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (Public Law 99–319); and

(vi) include any area or local ombudsman entity designated by the State Long-Term Care Ombudsman as a subdivision of the Office. Any representative of an entity designated in accordance with the preceding sentence (whether an employee or an unpaid volunteer) shall be treated as a representative of the Office for purposes of this paragraph;

(J) the State will ensure that no representative of the Office will be liable under State law for the good faith performance of official duties;

(K) the State will—

(i) ensure that willful interference with representatives of the Office in the performance of their official duties (as defined by the Commissioner) shall be unlawful;

(ii) prohibit retaliation and reprisals by a long-term care facility or other entity with respect to any resident or employee for having filed a complaint with, or providing information to, the Office; and

(iii) provide for appropriate sanctions with respect to such interference, retaliation, and reprisals; and

(iv) ensure that representatives of the Office shall have—

(I) access to long-term care facilities and their residents; and

(II) with the permission of a resident or resident's legal guardian, have access to review the resident's medical and social records or, if a resident is unable to consent to such review and has no legal guardian, appropriate access to the resident's medical and social records;

(L) the State agency will prohibit any officer, employee, or other representative of the Office to investigate any complaint filed with the Office unless the individual has received such training as may be required under subparagraph (H)(iv) and has been approved by the long-term care

ombudsman as qualified to investigate such complaints; and

(M) the State agency will carry out the provisions of section 308(d).

(13) *The plan shall* provide with respect to nutrition services that—

(A) each project providing nutrition services will be available to individuals aged 60 or older and to their spouses, and may be made available to handicapped or disabled individuals who have not attained 60 years of age but who reside in housing facilities occupied primarily by the elderly at which congregate nutrition services are provided;

(B) primary consideration shall be given to the provision of meals in a congregate setting, except that each area agency (i) may award funds made available under this title to organizations for the provision of home delivered meals to older individuals in accordance with the provisions of subpart 2 of part C, based upon a determination of need made by the recipient of a grant or contract entered into under this title, without requiring that such organizations also provide meals to older individuals in a congregate setting; and (ii) shall, in awarding such funds, select such organizations in a manner which complies with the provisions of subclause (H);

(C)(i) each project will permit recipients of grants or contracts to solicit voluntary contributions for meals furnished in accordance with guidelines established by the Commissioner, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or contract; and (ii) such voluntary contributions will be used to increase the number of meals served by the project involved, to facilitate access to such meals, and to provide other supportive services directly related to nutrition services;

(D) in the case of meals served in a congregate setting, a site for such services and for comprehensive supportive services is furnished in as close proximity to the majority of eligible individuals' residences as feasible, with particular attention upon a multipurpose senior center, a school, a church, or other appropriate community facility, preferably within walking distance where possible, and where appropriate, transportation to such site is furnished;

(E) each project will establish outreach activities which assure that the maximum number of eligible individuals may have an opportunity to participate;

(F) each project may establish and administer the nutrition project with the advice of persons competent in the field of service in which the nutrition project is being provided, older individuals who will participate in the program, and of persons who are knowledgeable with regard to the needs of older individuals;

(G) each project will provide special menus, where feasible and appropriate to meet the particular dietary needs arising from the health requirements, religious requirements, or ethnic backgrounds of eligible individuals;

(H) each area agency will give consideration where feasible, in the furnishing of home delivered meals to the use of organizations which (i) have demonstrated an ability to provide home delivered meals efficiently and reasonably; and (ii) furnish assurances to the area agency that such an organization will maintain efforts to solicit voluntary support and that the funds made available under this title to the organization will not be used to supplant funds from non-Federal sources; and

(I) each area agency shall establish procedures that will allow nutrition project administrators the option to offer a meal, on the same basis as meals are provided to elderly participants, to individuals providing volunteer services during the meal hours, *and to individuals with disabilities who reside with and accompany older individuals who are eligible under this Act.*

(14) *The plan shall* provide, with respect to the acquisition (in fee simple or by lease for 10 years or more), alteration , or renovation of existing facilities (or the construction of new facilities in any area in which there are no suitable structures available, as determined by the State agency, after full consideration of the recommendations made by area agencies, to be a focal point for the delivery of services assisted under this title) to serve as multipurpose senior centers, that—

(A) the plan contains or is supported by reasonable assurances that (i) for not less than 10 years after acquisition, or not less than 20 years after the completion of construction, the facility will be used for the purpose for which it is to be acquired or constructed, unless for unusual circumstances the Commissioner waives the requirement of this division; (ii) sufficient funds will be available to meet the non-Federal share of the cost of acquisition or construction of the facility; (iii) sufficient funds will be available when acquisition or construction is completed, for effective use of the facility for the purpose for which it is being acquired or constructed; and (iv) the facility will not be used and is not intended to be used for sectarian instruction or as a place for religious worship;

(B) the plan contains or is supported by reasonable assurances that, in the case of purchase or construction, there are no existing facilities in the community suitable for leasing as a multipurpose senior center;

(C) the plans and specification for the facility are in accordance with regulations relating to minimum standards of construction, promulgated with particular emphasis on securing compliance with the requirements of the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968;

(D) the plan contains or is supported by adequate assurance that any laborer or mechanic employed by any con-

tractor or subcontractor in the performance of work on the facility will be paid wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, commonly known as the Davis-Bacon Act), and the Secretary of Labor shall have, with respect to the labor standards specified in this clause, the authority and functions set forth in reorganization plan numbered 14 of 1950 (15 FR 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c); and

(E) the plan contains assurances that the State agency will consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed alteration or renovation[;].

(15) *The plan shall* provide that with respect to legal assistance—

(A) the plan contains assurances that area agencies on aging will (i) enter into contracts with providers of legal assistance which can demonstrate the experience or capacity to deliver legal assistance; (ii) include in any such contract provisions to assure that any recipient of funds under division (i) will be subject to specific restrictions and regulations promulgated under the Legal Services Corporation Act (other than restrictions and regulations governing eligibility for legal assistance under such Act and governing membership of local governing boards) as determined appropriate by the Commissioner; and (iii) attempt to involve the private bar in legal assistance activities authorized under this title, including groups within the private bar furnishing services to older individuals on a pro bono and reduced fee basis;

(B) the plan contains assurances that no legal assistance will be furnished unless the grantee administers a program designed to provide legal assistance to older individuals with social or economic need and has agreed, if the grantee is not a Legal Services Corporation project grantee, to coordinate its services with existing Legal Services Corporation projects in the planning and service area in order to concentrate the use of funds provided under this title on individuals with the greatest such need; and the area agency makes a finding, after assessement, pursuant to standards for service promulgated by the Commissioner, that any grantee selected is the entity best able to provide the particular services;

(C) the State agency will provide for the coordination of the furnishing of legal assistance to older individuals within the State, and provide advice and technical assistance in the provision of legal assistance to older individuals within the State and support the furnishing of training and technical assistance for legal assistance for older individuals; [and]

(D) the plan contains assurances, to the extent practicable, that legal assistance furnished under the plan will be

in addition to any legal assistance for older individuals being furnished with funds from sources other than this Act and that reasonable efforts will be made to maintain existing levels of legal assistance for older individuals; *and*

(E) the plan contains assurances that if the State agency waives the requirement described in section 307(a)(22), the State agency will provide to the Commissioner—

(i) a report regarding such waiver that details the demonstration made by the area agency on aging to obtain such waiver;

(ii) a copy of the record of the public hearing conducted pursuant to section 306(b)(2)(A); and

(iii) a copy of the record of any public hearing conducted pursuant to section 306(b)(2)(C).

(16) *The plan shall* provide that whenever the State desires to [provide] , *if funds are not appropriated under section 303(f) for a fiscal year, provide that for such fiscal year* for services for the prevention of abuse of older individuals—

(A) the plan contains assurances that any area agency on aging carrying out such services will conduct a program consistent with relevant State law and coordinated with existing State adult protective service activities for—

(i) public education to identify and prevent abuse of older individuals;

(ii) receipt of reports of abuse of older individuals;

(iii) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance where appropriate and consented to by the parties to be referred; and

(iv) referral of complaints to law enforcement or public protective service agencies where appropriate;

(B) the State will not permit involuntary or coerced participation in the program of services described in this clause by alleged victims, abusers, or their households; and

(C) all information gathered in the course of receiving reports and making referrals shall remain confidential unless all parties to the complaint consent in writing to the release of such information, except that such information may be released to a law enforcement or public protective service agency[;].

(17) *The plan shall* provide assurances that each State will provide inservice training opportunities for personnel of agencies and programs funded under this Act[;].

(18) *The plan shall* provide assurances that each State will assign personnel to provide State leadership in developing legal assistance programs for older individuals throughout the State[;].

(19) *The plan shall* provide, with respect to education and training services, assurances that area agencies on aging may enter into grants and contracts with providers of education and training services which can demonstrate the experience or capacity to provide such services (except that such contract au-

thority shall be effective for any fiscal year only to such extent, or in such amounts, as are provided in appropriations Acts[;].

(20) *The plan shall* provide assurances that, if a substantial number of the older individuals residing in any planning and service area in that State are of limited English-speaking ability, then the State will require the area agency on aging for such such planning and service area—

(A) to utilize in the delivery of outreach services under section 306(a)(2)(A), the services of workers who are fluent in the language spoken by a predominant number of such older individuals who are of limited English-speaking ability; and

(B) to designate an individual employed by the area agency on aging, or available to such area agency on aging on a full-time basis, whose responsibilities will include—

(i) taking such action as may be appropriate to assure that counseling assistance is made available to such older individuals who are of limited English-speaking ability in order to assist such older individuals in participating in programs and receiving assistance under this Act; and

(ii) providing guidance to individuals engaged in the delivery of supportive services under the area plan involved to enable such individuals to be aware of cultural sensitivities and to take into account effectively linquistic and cultural differences[; and].

(21) *The plan shall* provide that the State agency, from funds allotted under section 304(a) for part B will use [an amount equal to an amount] not less than 1 percent of such allotment or $20,000, whichever is greater, for the purpose of carrying out the provisions of clause (12), except that (A) the requirement of this clause shall not apply in any fiscal year in which a State spends from State or local sources an amount equal to the amount required to be spent by the clause; and (B) the provisions of this clause shall not apply to American Samoa, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(22) The plan shall specify a minimum percentage of the funds received by each area agency for part B that will be expended, in the absence of the waiver granted under section 306(b)(1), by such area agency to provide legal assistance.

(23) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

(A) identify the number of low-income minority older individuals in the State; and

(B) describe the methods used to satisfy the service needs of such minority older individuals.

(24) The plan shall provide assurances that the State agency will require outreach efforts that will—

(A) identify older individuals who are eligible for assistance under this title, with special emphasis on older individuals with greatest economic need (with particular atten-

tion to low-income minority individuals), older individuals with greatest social need (with particular attention to low-income minority individuals), and older individuals who reside in rural area; and

(B) inform such individuals of the availability of such assistance.

(25) The plan shall provide, with respect to the needs of older individuals with severe disabilities, assurances that the State will—

(A) coordinate planning, identification, assessment of needs, and service for older individuals with disabilities with particular attention to individuals with severe disabilities with the State agencies with primary responsibility for individuals with disabilities, including severe disabilities, and develop collaborative programs, where appropriate, to meet the needs of older individuals with disabilities; and

(B) with respect to the needs of older individuals with developmental disabilities, coordinate planning with the State developmental disabilities planning council designated under section 124(a)(1) of the Developmental Disabilities Act.

(26) The plan shall provide assurances that area agencies on aging will conduct efforts to facilitate the coordination of community-based, long-term care services, pursuant to section 306(a)(6)(I), for older individuals who—

(A) reside at home and are at risk of institutionalization because of limitations on their ability to function independently;

(B) are patients in hospitals and are at risk at prolonged institutionalization; or

(C) are patients in long-term care facilities, but who can return to their homes if community-based services are provided to them.

(27) Each such plan provide assurances of consultation and coordination in planning and provision of in-home services under section 341 with State and local agencies and private nonprofit organizations which administer and provide services relating to health, social services, rehabilitation, and mental health services.

(28) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared, describe the methods used to satisfy the service needs of older individuals who reside in rural areas.

(29) The plan shall provide assurances that if the State receives funds appropriated under section 303(f), the State agency and area agencies on aging will expend such funds to carry out part F.

(b)(1) The Commissioner shall approve any State plan which the Commissioner finds fulfills the requirements of subsection (a).

(2) The Commissioner, in approving any State plan under this section, may waive the requirement described in clause (3)(B) of subsection (a) if the State agency demonstrates to the Commissioner that the service needs of older individuals residing in rural

areas in the State are being met, or that the number of older individuals residing in such rural areas is not sufficient to require the State agency to comply with the requirement described in clause (3)(B) of subsection (a).

(c) The Commissioner shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 305, without first affording the State reasonable notice and opportunity for a hearing.

(d) Whenever the Commissioner, after reasonable notice and opportunity for a hearing to the State agency, finds that—

(1) the State is not eligible under section 305,

(2) the State plan has been so changed that it no longer complies substantially with the provisions of subsection (a), or

(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a),

the Commissioner shall notify such State agency that no further payments from its allotments under section 304 and section 308 will be made to the State (or, in the Commissioner's discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until the Commissioner is satisfied that there will no longer be any failure to comply. Until the Commissioner is so satisfied, no further payments shall be made to such State from its allotments under section 304 and section 308 (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Commissioner shall, in accordance with regulations the Commissioner shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State submitting an approved plan in accordance with the provisions of this section. Any such payment shall be matched in the proportions specified in section 304.

(e)(1) A State which is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within 30 days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by the Commissioner for such purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which the Commissioner's action is based, as provided in section 2112 of title 28, United States Code.

(2) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside the Commissioner's order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown may remand the case to the Commissioner to take further evidence, and the Commissioner shall, within 30 days, file in the court the record of those further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Com-

missioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(3) The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

(f)(1) From amounts made available under section 304(d)(1)(C) after September 30, 1986, each State shall provide for the establishment of at least one demonstration project for health and nutrition education to be conducted by one or more area agencies on aging within the State based on the information and materials disseminated under section 704(d)(2).

(2) Each such project shall—

(A) be administered by the area agency for the purpose of improving the health and nutrition of older individuals served by the agency;

(B) be established and administered in consultation with an appropriate gerontology center;

(C) be designed to improve the health and nutrition of older individuals through increasing their physical fitness activities and improving the nutritional value of meals in their own daily living habits;

(D) if appropriate, be conducted in conjunction with schools of public health, schools of medicine, public health and social service agencies, private voluntary organizations, or other entities concerned with the health and well-being of older individuals; and

(E) be evaluated and the evaluation shall be submitted prior to October 1, 1987, together with such interim reports as the Commissioner may reasonably require.

(g) Neither a State, nor a State agency, may require any provider of legal assistance under this title to reveal any information that is protected by the attorney-client privilege.

PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

SEC. 308. (a)(1) Amounts available to States under subsection (b)(1) may be used to make grants to States for paying such percentages as each State agency determines, but not more than 75 percent, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for supportive services, nutritional services, and multipurpose senior centers within the State, and dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of services assisted under this title.

(2) Any sums available to a State under subsection (b)(1) for part of the cost of the administration of its State plan which the State determines is not needed for such purposes may be used by the

State to supplement the amount available under section 304(d)(1)(A) to cover part of the cost of the administration of area plans.

(3) Any State which has designated a single planning and service area under section 305(a)(1)(E) covering all, or substantially all, of the older individuals in such State, as determined by the Commissioner, may elect to pay part of the costs of the administration of State and area plans either out of sums received under this section or out of sums made available for the administration of area plans under section 304(d)(1)(A), but shall not pay such costs out of sums received or allotted under both such sections.

[(b)(1)(A)] *(b)(1)* If for any fiscal year the aggregate amount appropriated under section 303 does not exceed $800,000,000, then—

[(i)] *(A)* except as provided in clause (ii), the greater of 5 percent of the allotment to a State under section 304(a)(1) or $300,000; and

[(ii)] *(B)* in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands, the greater of 5 percent of such allotment or $75,000;

shall be available to such State to carry out the purposes of this section.

[(2)(A)] *(2)* If for any fiscal year the aggregate amount appropriated under section 303 exceeds $800,000,000, then—

[(i)] *(A)* except as provided in clause (ii), the greater of a 5 percent of the allotment to a State under section 304(a)(1) or $500,000; and

[(ii)] *(B)* in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands, the greater of 5 percent of such allotment or $100,000;

shall be available to such State to carry out the purposes of this section.

(3)(A) If the aggregate amount appropriated under section 303 for a fiscal year does not exceed $800,000,000, then any State which desires to receive amounts, in addition to amounts allotted to such State under paragraph (1), to be used in the administration of its State plan in accordance with subsection (a) may transmit an application to the Commissioner in accordance with this paragraph. Any such application shall be transmitted in such form, and according to such procedures, as the Commissioner may require, except that such application may not be made as part of, or as an amendment to, the State plan.

(B) The Commissioner may approve any application transmitted by a State under subparagraph (A) if the Commissioner determines, based upon a particularized showing of need that—

(i) the State will be unable to fully and effectively administer its State plan and to carry out programs and projects authorized by this title unless such additional amounts are made available by the Commissioner;

(ii) the State is making full and effective use of its allotment under paragraph (1) and of the personnel of the State agency and area agencies designated under section 305(a)(2)(A) in the

administration of its State plan in accordance with subsection (a); and

(iii) the State agency and area agencies of such State designated under section 305 are carrying out, on a full-time basis, programs and activities which are in furtherance of the purposes of this Act.

(C) The Commissioner may approve that portion of the amount requested by a State in its application under subparagraph (A) which [he] *the Commissioner* determines has been justified in such application.

(D) Amounts which any State may receive in any fiscal year under this paragraph may not exceed three-fourths of 1 percent of the sum of the amounts allotted under section 304(a) to such State to carry out the State plan for such fiscal year.

(E) No application by a State under subparagraph (A) shall be approved unless it contains assurances that no amounts received by the State under this paragraph will be used to hire any individual to fill a job opening created by the action of the State in laying off or terminating the employment of any regular employee not supported under this Act in anticipation of filling the vacancy so created by hiring an employee to be supported through use of amounts received under this paragraph.

(4) Notwithstanding any other provision of this title, with respect to funds received under section 303(b) (1) and (2), a State may elect in its plan under section 307(a)(13) regiarding part C of this title, to transfer a portion of the funds appropriated between subpart 1 and subpart 2 of part C, for use as the State considers appropriate to meet the needs of the area served. The Commissioner shall approve any such transfer unless the Commissioner determines that such transfer is not consistent with the purpose of this Act.

(5)(A) Notwithstanding any other provisions of this title and except as provided in subparagraph (B), with respect to funds received under subsection (a) and subsection (b) of section 303, a State may elect to transfer not more than 20 per centum of the funds [appropriated] *allotted*, for any fiscal year between programs under part B and part C of this title, for use as the State considers appropriate. The State shall notify the Commissioner of any such election.

(B) Of the funds received under section 303, a State may elect to transfer under subparagraph (A)[—

[(i) not more than 27 percent of the funds appropriated for fiscal year 1985;

[(ii) not more than 29 percent of the funds appropriated for fiscal year 1986; and

[(iii) not more than 30 percent of the funds appropriated for fiscal year 1987] *not more than 30 percent of the funds allotted for any fiscal year.*

(c) The amounts of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for that year for the purposes described in subsection (a)(1) shall be available to provide services under part B or part C, or both, in the State.

(d)(1) Each State agency shall, in any fiscal year in which amounts appropriated for part B of this title is equal to or less than

the amount appropriated for such part in fiscal year 1987, carry out the requirement of sections 307(a)(12) and 307(a)(21) as in effect prior to the date of enactment of the Older Americans Act Amendments of 1987.

(2) In any fiscal year in which the appropriations for part B of this title are greater than the appropriations for such part for fiscal year 1987, the State agency shall carry out the provisions of section 307(a)(12), as amended by the Older American Act Amendments of 1987. In any such fiscal year, the provisions of section 307(a)(21) shall not apply.

(3) Amounts appropriated and available under part B of this title for ombudsman services under section 307(a)(12) may not be used to supplant State or local funds available for that purpose.

PAYMENTS

SEC. 309. (a) Payments of grants or contracts under this title may be made (after necessary adjustments resulting from previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine. From a State's allotment for a fiscal year which is available under section 308 the Commissioner under section 307 such amounts as the Commissioner deems appropriate for the purpose of assisting such State in developing a State plan.

(b)(1) For each fiscal year, not less than 25 percent of the non-Federal share of the total expenditures under the State plan which is required by section 304(d) shall be met from funds from State or local public sources.

(2) Funds required to meet the non-Federal share required by section 304(d)(1)(D), in amounts exceeding the non-Federal share required prior to fiscal year 1981, shall be from State sources.

(c) A State's allotment under section 304 for a fiscal year year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 307 are less than its *average annual* expenditures from such sources for the [preceding fiscal year] *period of 3 fiscal year preceding such year.*

DISASTER RELIEF REIMBURSEMENTS

SEC. 310. (a)(1) The Commissioner may provide reimbursements to any State, upon application for such reimbursement, for funds such State makes available to area agencies in such State for the delivery of supportive services during any major disaster declared by the President in accordance with the Disaster Relief Act of 1974.

(2) Total payments to all States under paragraph (1) in any fiscal year shall not exceed 5 percent of the total amount appropriated and available for carrying out the purposes of section 422.

(b)(1) At the beginning of each fiscal year the Commissioner shall set aside, for payment to States under subsection (a), an amount equal to 5 percent of the total amount appropriated and available for carrying out the purposes of section 422.

(2) Amounts set aside under paragraph (1) which are not obligated by the end of the third quarter of any fiscal year shall be made available for carrying out the purposes of section 422.

(c) Nothing in this section shall be construed to prohibit expenditures by States for disaster relief for older individuals in excess of amounts reimbursable under this section, by using funds made available to them under other sections of this Act or under other provisions of Federal or State law, or from private sources.

AVAILABILITY OF SURPLUS COMMODITIES

SEC. 311. (a)(1) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be donated to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this title.

(2) The Commodities Credit Corporation shall dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this title.

(3) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1) shall be used to meet the requirements of programs providing nutrition services in accordance with the provisions of this title.

(4) Subject to the authorization of appropriations specified in subsection (c) of this section, in donating commodities under this subsection, the Secretary of Agriculture shall maintain an annually programmed level of assistance of not less than 56.76 cents per meal during [fiscal year 1986 and during each fiscal year thereafter] *fiscal years 1986 through 1992.* [The amount specified in this paragraph shall be adjusted on an annual basis for each fiscal year after September 30, 1986, to reflect changes in the series for food away from home of the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor. Such adjustment shall be computed to the nearest one-fourth cent.] Among the commodities delivered under this subsection, the Secretary shall give special emphasis to high protein foods, meat, and meat alternates. The Secretary of Agriculture, in consultation with the Commissioner, is authorized to prescribe the terms and conditions respecting the donating of commodities under this subsection.

(b)(1) Notwithstanding any other provision of law, a State may, for purposes of the programs authorized by this Act, elect to receive cash payments in lieu of donated foods for all or any portion of its project. In any case in which a State makes such an election, the Secretary of Agriculture shall make cash payments to such State in an amount equivalent in value to the donated foods which the State otherwise would have received if such State had retained its commodity distribution.

(2) When such payments are made, the State agency shall promptly and equitably disburse any cash it receives in lieu of commodities to recipients of grants or contracts. Such disbursements shall only be used by such recipients of grants or contracts to purchase United States agricultural commodities and other foods for their nutrition projects.

(3) Nothing in this subsection shall be construed to authorize the Secretary of Agriculture to require any State to elect to receive cash payments under this subsection.

[(c)(1)(A)(i) There are authorized to be appropriated $144,000,000 for fiscal year 1986 and $144,000,000 for fiscal year 1987 to carry out this section] *(c)(1)(A)(i) There are authorized to be appropriated $151,000,000 for the fiscal year 1988, $166,000,000 for the fiscal year 1989, $183,000,000 for the fiscal year 1990, $201,000,000 for the fiscal year 1991, and $221,100,000 for the fiscal year 1992 to carry out the provisions of this section* (other than subsection (a)(1) of this section).

(ii) The provisions of the second and third sentences of subsection (a)(4) of this section shall not apply for fiscal years 1986 and 1987.

(B) Effective on the first day of the first month beginning after October 9, 1984, no State may receive reimbursement under the provisions of this section unless the State submits final reimbursement claims for meals within 90 days after the last day of the quarter for which the reimbursement is claimed.

(2) In any fiscal year in which compliance with subsection (a)(4) of this section costs more than the amounts authorized under paragraph (1) of this subsection for that fiscal year the Secretary of Agriculture shall reduce the cents per meal level determined pursuant to subsection (a)(4) of this section for that fiscal year as necessary to meet the authorization of appropriations for that fiscal year.

MULTIPURPOSE SENIOR CENTERS: RECAPTURE OF PAYMENTS

SEC. 312. If, within 10 years after acquisition, or within 20 years after the completion of construction, of any facility for which funds have been paid under this title—

(1) the owner of the facility ceases to be a public or nonprofit private agency or organization; or

(2) the facility ceases to be used for the purposes for which it was acquired (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

AUDIT

SEC. 313. (a) The Commissioner and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to a grant or contract received under this title.

(b) State agencies and area agencies on aging shall not request information or data from providers which is not pertinent to serv-

ices furnished pursuant to this Act or a payment made for such services.

PART B—SUPPORTIVE SERVICES AND SENIOR CENTERS

PROGRAM AUTHORIZED

SEC. 321. (a) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 for any of the following supportive services;

(1) health *(including mental health)*, education and training, welfare, informational, recreational, homemaker, counseling, or referral services;

(2) transportation services to facilitate access to supportive services or nutrition services, or both;

(3) services designed to encourage and assist older individuals to use the facilities and services available to them;

(4) services designed (A) to assist older individuals to obtain adequate housing, including residential repair and renovation projects designed to enable older individuals to maintain their homes in conformity with minimum housing standards; (B) to adapt homes to meet the needs of older individuals *who have physical disabilities* [suffering from physical disabilities]; or (C) to prevent unlawful entry into residences of elderly individuals, through the installation of security devices and through structural modifications or alterations of such residences;

(5) services designed to assist older individuals in avoiding institutionalization and to assist individuals in long-term care institutions who are able to return to their communities, including client assessment through case management and integration and coordination of community services such as preinstitution evaluation and screening and home health services, homemaker services, shopping services, escort services, reader services, and letter writing services, through resource development and management to assist such individuals to live independently in a home environment;

(6) services designed to provide legal assistance and other counseling services and assistance, including tax counseling and assistance, financial counseling, and counseling regarding appropriate health and life insurance coverage, to older individuals;

(7) services designed to enable older individuals to attain and maintain physical and mental well-being through programs of regular physical activity and exercise;

(8) services designed to provide health screening to detect or prevent illnesses, or both, that occur most frequently in older individuals;

(9) services designed to provide preretirement and second career counseling for older individuals;

(10) services of an ombudsman at the State level to receive, investigate, and act on complaints by older individuals who are residents of long-term care facilities and to advocate for the well-being of such individuals.

(11) services which are designed to meet the unique needs of older individuals who are disabled;

(12) services to encourage the employment of older workers, including job counseling and, where appropriate, job development, referral, and placement;

(13) crime prevention services and victim assistance programs for older individuals;

(14) a program, to be known as "Senior Opportunities and Services", designed to identify and meet the needs of older, poor individuals 60 years of age or older in one or more of the following areas: (A) development and provision of new volunteer services; (B) effective referral to existing health, employment, housing, legal, consumer, transportation, and other services; (C) stimulation and creation of additional services and programs to remedy gaps and deficiencies in presently existing services and programs; and (D) such other services as the Commissioner and many determine are necessary or especially appropriate to meet the needs of the older poor and to assure them greater self-sufficiency;

(15) services for the prevention of abuse of older individuals in accordance with clause (16) of section 307(A);

(16) inservice training and State leadership for legal assistance activities;

(17) health and nutrition education services;

(18) services designed to enable mentally impaired older individuals to attain and maintain emotional well-being and independent living through a coordinated system of support services; or

(19) any other services;

if such services meet standards prescribed by the Commissioner and are necessary for the general welfare of older individuals.

(b) The Commissioner shall encourage area agencies on aging to enter into interagency or other formal agreements with public agencies or private organizations furnishing mental health services to ensure a coordinated approach in meeting the mental health and psychosocial needs of older individuals.

[b](c)(1) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 for the acquisition, alteration, or renovation of existing facilities, including mobile units, and, where appropriate, construction of facilities to serve as multipurpose senior centers.

(2) Funds made available to a State under this part may be used for the purpose of assisting in the operation of multipurpose senior centers and meeting all or part of the costs of compensating professional and technical personnel required for the operation of multipurpose senior centers.

PART C—NUTRITION SERVICE

Subpart 1—Congregate Nutrition Services

PROGRAM AUTHORIZED

SEC. 331. The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 for the establishment and operation of nutrition projects—

(1) which, 5 or more day a week, provide at least one hot or other appropriate meal per day and any additional meals which the recipient of a grant or contract under this subpart

may elect to provide, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council;

(2) which shall be provided in congregate settings; and

(3) which may include nutrition education services and other appropriate nutrition services for older individuals.

Subpart 2—Home Delivered Nutrition Services

PROGRAM AUTHORIZED

SEC. 336. The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 for the establishment and operation of nutrition projects for older individuals which, 5 or more days a week, provide at least one home delivered hot, cold, frozen, dried, canned, or supplemental foods (with a satisfactory storage life) meal per day and any additional meals which the recipient of a grant or contract under this subpart may elect to provide, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board fo the National Academy of Sciences-National Research Council.

CRITERIA

SEC. 337. The Commissioner, in consultation with organizations of an for the aged, blind, and disabled, and with representatives from the American Dietetic Association, the *National* Association of Area Agencies on Aging, the National Association of Nutrition and Aging, Services Programs, the National Association of Meals Programs, Incorporated, and any other appropriate group, shall develop minimum criteria of efficiency and quality for the furnishing of home delivered meal services for projects described in section 336. The criteria required by this section shall take into account the ability of established home delivered meals programs to continue such services without major alteration in the furnishing of such services.

PART D—IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS

PROGRAM AUTHORIZED

SEC. 341. (a) With funds appropriated to carry out this part, the Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to provide in-home services to frail older individuals, relating to the individual's environment and functional support needs, including in-home suppportive services for older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and to the families of such victims.

(b) In carrying out the provisions of this part, each area agency shall coordinate with other community agencies and voluntary organizations providing counseling and training for family caregivers and support service personnel in management of care, functional and needs assessment services, assistance with locating, arranging

for, and coordinating services, case management, and counseling prior to admission to nursing home to prevent premature institutionalization.

DEFINITIONS

SEC. 342. For purposes of this part—

(1) the term "in-home service" includes—

(A) homemaker and home health aides;

(B) visiting, telephone reassurance, and personal emergency response;

(C) chore maintenance;

(D) respite care for families, including adult day care; or

(E) minor remodeling of homes necessary to facilitate the ability of older individual to remain at home, and not covered by other programs; and

(2) the term "frail" means having a physical or mental disability, including having Alzheimer's disease or related disorders with neurological or organic brain dysfunction, that restricts the ability of an individual to perform normal daily tasks or which threatens the capacity of an individual to live independently.

STATE CRITERIA

SEC. 343. The State agency shall develop eligibility criteria for providing in-home services to frail older individuals which shall take into account—

(1) age;

(2) greatest economic need;

(3) noneconomic factors contributing to the frail condition; and

(4) noneconomic and nonhealth factors contributing to the need for such services.

MAINTENANCE OF EFFORT

SEC. 344. Funds made available under this part shall be in addition to, and may not be used to supplant, any funds that are or would otherwise be expended under any Federal, State, or local law by a State or unit of general puprose local government (including area agencies on aging which have in their planning and services areas existing services which primarily serve older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and the families of such victims).

PART E—PREVENTIVE HEALTH SERVICES

PROGRAM AUTHORIZED

SEC. 351. (a) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 for periodic preventive health services to be provided at senior centers or alternative sites as appropriate.

(b) Preventive health services under this part may not include services eligible for reimbursement under Medicare.

(c) The Commissioner shall, to the extent possible, assure that services provided by other community organizations and agencies are used to carry out the provisions of this part.

DISTRIBUTION TO AREA AGENCIES

SEC. 352. The State agency shall give priority, in carrying out this part, to areas of the State—

(1) which are medically underserved; and

(2) in which there are a large number of other individuals who have the greatest economic need for such services.

DEFINITIONS

SEC. 353. For the purpose of this part and section 307 the term "preventive health services" means—

(1) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision and hearing screening;

(2) group exercise programs;

(3) home injury control services, including screening of high-risk home environments and educational programs on injury protection in the home environment;

(4) nutritional counseling and educational services;

(5) screening for the prevention of depression, coordination of community mental health services, educational activities, and referral to psychiatric and psychological services;

(6) educational programs on the benefits and limitations of Medicare and various supplemental insurance coverage, including individual policy screening and health insurance-needs counseling; and

(7) counseling regarding followup health services based on any of the services provided for above.

PART F—ABUSE, NEGLECT, AND EXPLOITATION OF OLDER INDIVIDUALS

PROGRAM AUTHORIZED

SEC. 361. The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to carry out a program with respect to the prevention of abuse, neglect, and exploitation of older individuals. The program shall—

(1) be consistent with relevant State law and coordinated with State adult protective service activities and other State and local elder abuse prevention and protection;

(2) provide for—

(A) public education and outreach services to identify and prevent abuse, neglect, and exploitation of older individuals;

(B) receipt of reports of such abuse, neglect, and exploitation;

(C) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance if appropriate and with the consent of the older individuals to be referred; and

(D) the referral of complaints and other reports of abuse, neglect, or exploitation of older individuals to law enforcement agencies, public protective service agencies, licensing and certification agencies, ombudsman programs, or protection and advocacy system if appropriate;

(3) not permit involuntary or coerced participation in such program by alleged victims, abusers, or their households; and

(4) require that all information gathered in the course of receiving such a complaint or report, and making such a referral, shall remain confidential unless—

(A) all parties to such compliant or report consent in writing to the release of such information; or

(B) the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

STATEMENT OF PURPOSE

SEC. 401. It is the purpose of this title to expand the Nation's knowledge and understanding of aging and the aging process, to design and test innovative ideas in programs and services for older individuals, and to help meet the needs for trained personnel in the field of aging through—

(1) placing a priority on the education and training of personnel to work with and on behalf of older individuals, *with special emphasis on minority individuals, low-income individuals, frail individuals, and individuals with diabilities;*

(2) research and development of effective practices in the field of aging;

(3) demonstration projects directly related to the field of aging; and

(4) dissemination of information on aging and the aging process acquired through such programs to public and private organizations or programs for older individuals.

ADMINISTRATION

SEC. 402. (a) In order to carry out the provisions of this title effectively, the Commissioner shall administer this title through the Administration on Aging.

(b) In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of the Department of Education, the National Institutes of Health, *the Veterans' Administration, Alcohol, Drug Abuse, and Mental Health Administration,* and such other agencies and departments of the Federal Government as may be appropriate.

(c) The Commissioner shall ensure that grants and contracts under this title are equitably awarded to agencies, organizations, and institutions representing minorities.

PART A—EDUCATION AND TRAINING

PURPOSE

SEC. 410. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by—

(1) identifying both short- and long-range manpower needs in the field of aging;

(2) providing a broad range of educational and training opportunities to meet those needs;

(3) attracting a greater number of qualified personnel into the field of aging;

(4) helping to upgrade personnel training programs to make them more responsive to the need in the field of aging; and

(5) establishing and supporting multidisciplinary centers of gerontology *(including centers of gerontology to improve, enhance, and expand minority personnel and training programs)* and providing special emphasis that will improve, enhance, and expand existing training programs.

GRANTS AND CONTRACTS

SEC. 411. (a) The Commissioner shall make grants and enter into contracts to achieve the purpose of this part. The purposes for which such grants and contracts shall be made include the following:

(1) To provide comprehensive and coordinated nondegree education, training programs, and curricula at institutions of higher education and at other research, training, or educational organizations, for practitioners in the fields of nutrition, health *(including mental health)* care, supportive services, housing, and long-term care, including the expansion and enhancement of existing inservice education and training programs.

(2) To provide inservice training opportunities to the personnel of State offices, area agencies, senior centers, and nutrition programs to strengthen their capacity to remain responsive to the needs of older individuals.

(3) To provide courses on aging and the dissemination of information about aging to the public through institutions of higher education and other public and nonprofit private organizations and agencies.

(4) To provide in-service training opportunities and courses of instruction on aging to Indian tribes through public and nonprofit Indian aging organizations.

(b) To achieve the purpose of this title, the Administration on Aging shall conduct both—

(1) long-term educational activities to prepare personnel for careers in the field of aging; and

(2) short-term inservice training and continuing education activities for State and area agency personnel, and other personnel, in the field of aging or preparing to enter the field of aging.

(c) In making grants and contracts under this part, the Commissioner shall give special consideration to the recruitment and training of personnel, volunteers, and those individuals preparing for employment in that part of the field of aging which relates to providing [custodial and skilled care for older individuals who suffer from] *services to individuals with disabilities and to individuals with* Alzheimer's disease and [other neurological and organic brain disorders of the Alzheimer's type] and *related disorders with neurological and organic brain dysfunction* providing family respite services with respect to such individuals.

(d) In making grants or contracts under this part, the Commissioner shall ensure that all projects and activities related to personnel training shall include specific data on the number of individuals to be trained and the number of older individuals to be served through such training activities by public and nonprofit agencies, State and area agencies on aging, institutions of higher education, and other organizations.

MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

SEC. 412. (a) The Commission [may] *shall* make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology, and gerontology centers of special emphasis (including emphasis on nutrition, employment, health *(including mental health), disabilities (including severe disabilities),* income maintenance [and], supportive services *(including assistive technology services) and minority populations*). Such centers shall conduct research and policy analysis and function as a technical resource for the Commissioner, policymakers, service providers, and the Congress. Multidisciplinary centers of gerontology shall—

(1) recruit and train personnel;

(2) conduct basic and applied research toward the development of information related to aging;

(3) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges and universities;

(4) help to develop training programs in the field of aging at schools of public health, education, and other appropriate schools within colleges and universities;

(5) serve as a repository of information and knowledge on aging; and

(6) provide consultation and information to public and voluntary organizations, including State and area agencies, which serve the needs of older individuals in planning and developing services provided under other provisions of this Act.

(b) Centers supported under this section shall provide data to the Commissioner on the projects and activities for which funds are provided under this title. Such data shall include the number of personnel trained, the number of older individuals served, the number of schools assisted, and other information that will facilitate achieving the purposes of this Act.

SPECIAL DISABILITIES TRAINING PROJECT

SEC. 413. The Commissioner is authorized to make grants to any public agency or private nonprofit organization and may enter into contracts with any public agency or private nonprofit organization to develop and provide training programs to service providers under title III of this Act and nursing home care providers to meet the special service needs of older individuals with disabilities and who are residing either in the community or in nursing care facilities.

PART B—RESEARCH, DEMONSTRATIONS, AND OTHER ACTIVITIES

PURPOSE

SEC. 420. The purpose of this part is to improve the quality and efficiency of the programs serving older individuals through research and development projects, and demonstration projects, designed to—

(1) develop and synthesize knowledge about aging from multidisciplinary perspectives;

(2) establish an information base of data and practical experience;

(3) examine effective models of planning and practice that will improve or enhance services provided under other provisions of this Act;

(4) evaluate the efficacy, quality, efficiency, and accessibility of programs and services for older individuals; and

(5) develop, implement, and evaluate innovative planning and practice strategies to address the needs, concerns, and capabilities of older individuals.

RESEARCH AND DEVELOPMENT PROJECTS

SEC. 421. (a) The Commissioner may make grants to any public or nonprofit private agency, organization, or institution, and may enter into contracts with any agency, organization, institution or individual to support research and development related to the purposes of this Act, evaluation of the results of such research and development activities, and collection and dissemination of information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this title, and conducting of conferences and other meetings for purposes of exchange of information and other activities related to the purposes of this title. Appropriate provisions for the dissemination of resulting information shall be a requirement for all grants made under this section.

(b) Each research and development activity proposal for which funds are requested under subsection (a) shall include a concise policy or practical application statement.

(c)(1) The Commissioner shall select, to the extent practicable, for assistance under subsection (a) research activities which will, not later than three years after the date of the enactment of the Older Americans Act Amendments of 1984, collectively—

(A) contribute to the establishment and maintenance of a demographic data base which contains information on the population of older individuals generally and older individuals cate-

gorized by age, sex, race, geographical location, and such other factors as the Commissioner deems useful for the purpose of formulating public policy;

(B) identify the future needs of older individuals;

(C) identify the kinds and comprehensiveness of programs required to satisfy such needs; and

(D) identify the kinds and number of personnel required to carry out such programs.

(2) The Commissioner shall select, to the extent practicable, for assistance under subsection (a) demonstration projects which test research results and implement innovative ways of satisfying the needs of, and delivering services to, older individuals.

DEMONSTRATION PROJECTS

SEC. 422. (a) The Commissioner may, after consultation with the State agency in the State involved, make grants to any public agency or nonprofit private organization or enter into contracts with any agency or organization within such State for paying part or all of the cost of developing or operating nationwide, statewide, regional, metropolitan area, country, city, or community model projects which will demonstrate methods to improve or expand supportive services or nutrition services or otherwise promote the well-being of older individuals. The Commissioner shall give special consideration to the funding of rural area agencies on aging to conduct model projects devoted to the special needs of the rural elderly. Such projects shall include alternative health care delivery systems, advocacy and outreach programs, and transportation services.

(b) In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to—

(1) meet the supportive services needs of elderly victims of Alzheimer's disease and other neurological and organic brain disorders of the Alzheimer's type and their families, including—

(A) home health care for such victims;

(B) adult day health care for such victims; and

(C) homemaker aides, transportation, and in-home respite care for the families, particularly spouses, of such victims;

(2) meet the special health care needs of the elderly, including—

(A) the location of older individuals who are in need of mental health services *or who have severe disabilities*;

(B) the provision of, or arrangement for the provision of, medical differential diagnoses of older individuals to distinguish between their need for mental health services and other medical care;

(C) the specification of the mental health needs of older individuals, and the mental health and support services required to meet such needs; [and]

(D) the provision of—

(i) the mental health and support services specified in subclause (C) in the communities; or

(ii) such services for older individuals in nursing homes and intermediate care facilities, and training of the employees of such homes and facilities in the provision of such services;

(E) the identification and provision of services to elderly individuals with severe disabilities; and

(F) the provision of rehabilitation services, and communication aids and devices to assist older individuals with severe disabilities.

(3) assist in meeting the special housing needs of older individuals by—

(A) providing financial assistance to such individuals, who own their own homes, necessary to enable them (i) to make the repairs or renovations to their homes, which are necessary for them to meet minimum standards, and (ii) to install security devices, and to make structural modifications or alterations, designed to prevent unlawful entry; and

(B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older individuals suffering from physical disabilities;

(4) provide education and training to older individuals designed to enable them to lead more productive lives by broadening the education, occupational, cultural, or social awareness of such other individuals;

(5) provide preretirement education information and relevant services (including the training of personnel to carry out such programs and the conduct of research with respect to the development and operation of such programs) to individuals planning retirement;

(6) meet the special needs of, and improve the delivery of services to, older individuals who are not receiving adequate services under other provisions of this Act, with emphasis on the needs of low-income, minority, Indian, and limited English-speaking individuals and the rural elderly;

(7) develop or improve methods of coordinating all available supportive services for the homebound elderly, blind, and disabled by establishing demonstration projects in ten States, in accordance with subsection (c); [and]

(8) improve transportation systems for the rural elderly[.]*;*

(9) provide expanded, innovative volunteer opportunities to older individuals which are designed to fulfill unmet community needs, while at the same time avoiding duplication of existing volunteer programs, which may include—

(A) projects furnishing intergenerational services by older individuals addressing the needs of children, such as—

(i) tutorial services in elementary and special schools;

(ii) after school programs for latch key children;

(iii) voluntary services for day care center programs; and

(B) volunteer service credit projects operated in conjunction with ACTION, permitting elderly volunteers to earn

credits for services furnished, which may later be redeemed for similar volunteer services;

(10) address the needs of older individuals through the use of assistive technology services by studying and demonstrating methods of increasing the awareness of, the access to, and the use of assistive technology services for older individuals designed to increase their functional independence;

(c) The Commissioner shall consult with the Commissioner of the Rehabilitation Services Administration, the Commissioner of the Social Security Administration, and the Surgeon General of the Public Health Service, to develop procedures for—

(1) identifying elderly, blind, and disabled individuals who need supportive services;

(2) compiling a list in each community of all services available to the elderly, blind, and disabled; and

(3) establishing an information and referral service within the appropriate community agency to—

(A) inform those in need of the availability of such services; and

(B) coordinate the delivery of such services to the elderly, blind, and disabled.

The Commissioner shall establish procedures for administering demonstration projects under subsection (b)(6) not later than 6 months after the effective date of this subsection. The Commissioner shall report to the Congress with respect to the results and findings of the demonstration projects conducted under this section at the completion of the projects.

(d)(1) Whenever appropriate, grants made and contracts entered into under this section shall be developed in consultation with an appropriate gerontology center.

(2) Grants made and contracts entered into under this section shall include provisions for the appropriate dissemination of project results.

SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE

SEC. 423. (a)(1) The Commissioner [may] *shall*—

(A) make grants to selected State agencies, designated under section 305(a)(1), and, in consultation with State agencies, selected area agencies on aging designated under section 305(a)(2)(A), institutions of higher education, and other public agencies and nonprofit private organizations; and

(B) enter into contracts with any agency, organization, or institution (except that such contract authority shall be effective for any fiscal year only to such extent, or in such amounts, as are provided in appropriations Acts);

to support the development of comprehensive, coordinated systems of community long-term care for older individuals, with special emphasis upon services designed to support alternatives to institutional living and the assessment of need, the development of a plan of care, and the referral of individuals, in the delivery of long-term care services, including noninstitutional and institutional services, where appropriate.

(2) A grant under this section may be made to pay part or all of the estimated cost of the program (including startup cost) for a period of not more than 3 years, except that no funds may be used to pay for direct services which are eligible for reimbursement under title XVIII, title XIX, or title XX of the Social Security Act.

(3) A grant made under this section shall be used for the development of programs which provide a full continuum of services. Such services may include adult day health care; monitoring and evaluation of service effectiveness; supported living in public and private nonprofit housing; family respite services; preventive health services; home health, homemaker, and other rehabilitative and maintenance in-home services; *mental health services;* services provided by geriatric health maintenance organizations; *services to older individuals with severe disabilities residing in nursing homes* and other services which the Commissioner determines are appropriate, and which, at a minimum, provide for identification and assessment of the long-term care needs of older individuals, referral of such individuals to the appropriate services, and follow-up and evaluation of the continued appropriateness of such services with provision for re-referral as appropriate.

(4) The Commissioner shall ensure that grants and contracts under this section are equitably awarded to agencies, organizations, and institutions representing minorities.

(b)(1) In making grants to States under this section, preference shall be given to applicants which demonstrate that—

(A) adequate State standards have been developed to ensure the quality of services provided;

(B) the State has made a commitment to carry out the program assisted under this section with the State agency responsible for the administration of title XIX of the Social Security Act or title XX of the Social Security Act, or both such agencies;

(C) the State will develop plans to finance the comprehensive program assisted under this section; and

(D) the State agency has a plan for statewide or designated regions of the State containing provisions designed to maximize access by older individuals to long-term care services.

(2) In awarding grants to or entering into contracts with agencies and organizations under this section, preference shall be given to applicants that possess the capability to establish community-based long-term care programs and demonstrate that a need exists for the establishment of such programs in the area to be served.

(3)(A) Agencies and organizations assisted under this section shall establish procedures for evaluating the program assisted under this section, with respect to the benefits accruing to persons receiving assistance, the feasibility of the administrative model used for comprehensive coordination of services including coordination with other local programs, and the comparative costs and quality of services provided, and shall submit such evaluation to the Commissioner on a periodic basis.

(B) Grants made and contracts entered into under this section shall include provisions for the appropriate dissemination of information regarding the development of such services.

(c) The Secretary shall involve appropriate Federal departments and agencies in carrying out the provisions of this section in order to assure coordination at the Federal level and to avoid duplication and shall include in the annual report to the Congress required by section 207, a report on the impact of grants made, or contracts entered into, on the experiences of grantees and contractors in meeting the requirements of this section, and on the comparative benefits and costs of projects assisted under this section.

(d) Sums appropriated to carry out this section shall, to the extent feasible, be used to support programs equitably distributed throughout the Nation between urban and rural areas.

SPECIAL DEMONSTRATION AND SUPPORT PROJECTS FOR LEGAL ASSISTANCE FOR OLDER INDIVIDUALS

SEC. 424. (a) The Commissioner shall make grants and enter into contracts, in order to—

(1) provide a national legal assistance support system (operated by one or more grantees or contractors) of activities to State and area agencies on aging for providing, developing, or supporting legal assistance for older individuals, including—

(A) case consultations;

(B) training;

(C) provision of substantive legal advice and assistance; and

(D) assistance in the design, implementation, and administration of legal assistance delivery systems to local providers of legal assistance for older individuals; and

(2) support demonstration projects to expand or improve the delivery of legal assistance to older individuals with social or economic needs.

(b) Any grants or contracts made under subsection (a)(2) shall contain assurances that the requirements of section 307(a)(15) are met.

(c) To carry out subsection (a)(1), the Commissioner shall make grants to or enter into contracts with national nonprofit legal assistance organizations experienced in providing support, on a nationwide basis, to local legal assistance providers.

NATIONAL IMPACT ACTIVITIES

SEC. 425. (a)*(1)* The Commissioner may carry out directly or through grants or contracts—

[1]*(A)* innovation and development projects and activities of national significance which show promise of having substantial impact on the expansion or improvement of supportive services, nutrition services, or multipurpose senior centers, or otherwise promoting the well-being of older individuals; and

[2]*(B)* dissemination of information activities related to such programs.

(b) An amount not to exceed 15 percent of any sums appropriated under section 431 may be used for carrying out this section.

(2) The Commissioner shall carry out, directly or through grants or contracts, special training programs and technical assistance designed to improve services to minorities.

UTILITY AND HOME HEATING COST DEMONSTRATION PROJECTS

SEC. 426. The Secretary may, after consultation with the appropriate State agency designated under section 305(a)(1), make grants to pay for part or all of the costs of developing model projects which show promise of relieving older individuals of the excessive burdens of high utility service and home heating costs. Any such project shall give special consideration to projects under which a business concern is engaged in providing home heating oil or utility services to low-income older individuals at a cost which is substantially lower than providing home heating oil or utility services to other individuals.

DEMONSTRATION PROGRAM OF OUTREACH TO ELDERLY SSI, MEDICAID, AND FOOD STAMP ELIGIBLES

SEC. 427. (a) The Commissioner is authorized to make grants to, or enter into contracts with, State agencies on aging and area agencies on aging for the conduct of demonstration projects designed to demonstrate the feasibility of conducting outreach activities for older individuals who are eligible for but not receiving benefits under title XVI of the Social Security Act (or assistance under a State plan program under title XVI of that Act) relating to supplemental security income benefits, under title XVIII of the Social Security Act, relating to medical assistance benefits, and benefits under the Food Stamp Act of 1977, in order to assist such individuals in applying for such benefits.

(b) Grants and contracts under this section may be used for—

(1) identifying older individuals with the greatest economic need who may be eligible for assistance described in subsection (a);

(2) for outreach activities for planning in service in area agencies on aging for such individuals; and

(3) for application assistance for such individuals.

(c) No grant may be made and no contract may be entered into under this section unless an application is made to the Commissioner at such time, in such manner, and containing such information as the Commissioner may reasonably require. Each such application shall—

(1) describe the activities for which assistance is sought;

(2) provide for an evaluation of the activities for which assistance is sought; and

(3) prepare and submit to the Commissioner a report of the activities conducted with assistance under this section and the evaluation of that assistance.

(d) In approving applications under this section, the Commissioner shall assure a geographic equitable distribution of assistance.

(e) The Commissioner shall, as part of the annual report submitted under section 207, prepare and submit a report on the evaluations submitted under this section, together with such recommendations as the Commissioner may deem appropriate. In carrying out this section, the Commissioner shall consider—

(1) the number of older individuals reached through outreach activities supported under this section;

(2) the dollar amount of benefits to older individuals;

(3) the cost of the activities in terms of the number of individuals reached and the benefit dollars involved; and

(4) the effect on supportive services and nutrition services furnished under title III of this Act.

SEC. 428. (a) The Commissioner is authorized to make grants to not less than three or more than ten States to demonstrate and evaluate cooperative projects between the State long-term care ombudsman program and the State protection and advocacy systems for developmental disabilities and mental illness, established under part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.) and under the protection and Advocacy for Mentally Ill Individuals Act of 1986 (Public Law 99-319).

(b) The Commissioner on Aging shall prepare and submit to the Congress after each fiscal year a report of the study and evaluation required by paragraph (1) of this section. Each such report shall contain such recommendations as the Commissioner on Aging deems appropriate.

HOME-CARE QUALITY ASSURANCE DEMONSTRATION PROJECTS

SEC. 429. (a)(1) The Commissioner is authorized to make grants to not less than six nor more than ten States to demonstrate and evaluate the effectiveness of a home-care quality assurance program for in-home care services for older individuals furnished under this Act.

(2) For the purposes of this section "quality assurance program" includes quality assurances with respect to in-home care services and may include the availability of consumer education services, services involving the use of consumer hotlines, ombudsman services, legal assistance services, protection and advocacy services, and the use of community service agencies.

(b) No grant may be made and no contract may be entered into under this section unless an application is made to the Commissioner at such time, in such manner, and containing such information as the Commissioner may reasonably require. Each such application shall—

(1) describe activities for which assistance is sought;

(2) provide for an evaluation of the activities for which assistance is sought; and

(3) provide assurances that the applicant will prepare and submit a report to the Commissioner on the activities conducted with assistance under this section and the evaluation of that assistance.

(c) In approving applications under this section, the Commissioner shall assure equitable geographic distribution of assistance.

(d) The Commissioner shall, as part of the annual report submitted under section 207, prepare and submit a report on the evaluation submitted under this section together with such recommendations as the Commissioner may deem appropriate. In carrying out this section, the Commissioner shall include in the report—

(1) a description of the demonstration projects assisted under this section;

(2) an evaluation of the effectiveness of each such project; and

(3) recommendations of the Commissioner with respect to the desirability and feasibility of carrying out on a nation-wide basis the home-care consumer quality assurance program.

PART C—GENERAL PROVISIONS

AUTHORIZATION OF APPROPRIATIONS

[SEC. 431. (a) There are authorized to be appropriated to carry out the provisdions of this title $26,600,000 for fiscal year 1984, $28,200,000 for fiscal year 1985, $29,800,000 for fiscal year 1986, and $31,400,000 for fiscal year 1987]

SEC. 431. (a)(1) There are authorized to be appropriated to carry out the provisions of this title (other than sections 427, 428, and 429) $32,970,000 for the fiscal year 1988, $34,619,000 for the fiscal year 1989, $36,349,000 for the fiscal year 1990, $38,167,000 for the fiscal year 1991, and $40,075,000 for the fiscal year 1992.

(2) There are authorized to be appropriated $3,000,000 for the fiscal year 1988 and such sums for each of the 4 succeeding fiscal years to carry the provisions of section 427.

(3) There are authorized to be appropriated $1,000,000 for each of the fiscal years 1988 and 1989 to carry out the provisions of section 428. The funds appropriated pursuant to this subsection shall remain available for expenditure for the succeeding fiscal year.

(4) There are authorized to be appropriated $2,000,000 for each of the fiscal years 1989 and 1990 to carry out the provisions of section 429.

(b) No funds appropriated under this title—

(1) may be transferred to any office or other authority of the Federal Government which is not directly responsible to the Commissioner;

(2) may be used for any program or activity which is not specifically authorized by this title; or

(3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this title are separately identified in such grant or payment and are used for the purposes of this title.

PAYMENTS OF GRANTS

SEC. 432. (a) To the extent the Commissioner deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

(b) Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

(c) The Commissioner shall make no grant or contract under this title in any State which has established or designated a State

agency for purposes of title III unless the Commissioner has consulted with such State agency regarding such grant or contract.

RESPONSIBILITIES OF COMMISSIONER

SEC. 433. (a) The Commissioner shall be responsible for the administration, implementation, and making of grants and contracts under this title and shall not delegate authority under this title to any other individual, agency, or organization.

(b) The Commissioner shall prepare and publish annually as part of the report provided for in section 207 a detailed description of all grants, contracts, and activities for which funds are paid under this title. Such report shall include the name of the recipient of each such grant or contract, the amount of funds provided for such grant or contract, and a justification of how the funded activity or project will achieve the purpose of this title.

TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SHORT TITLE

SEC. 501. This title may be cited as the "Older American Community Service Employment Act".

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 502. (a) In order to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older, the Secretary of Labor (hereinafter in this title referred to as the "Secretary") is authorized to establish an older American community service employment program.

(b)(1) In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements with public or private nonprofit agencies or organizations, including national organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or tribal organizations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless the Secretary determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals.

(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects

sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954, except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals;

(F)(i) will result in an increase in employment opportunities over those opportunities which would otherwise be available; (ii) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits); and (iii) will not impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed;

(G) will not employ or continue to employ any eligible individual to perform work the same or substantially the same as that performed by any other person who is on layoff;

(H) will utilize methods of recruitment and selection (including listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

(I) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

(J) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in community service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if the participant were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(K) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

(L) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title, in accordance with regulations promulgated by the Secretary;

[(M) will assure that, to the extent feasible, such project will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State;]

(M) will assure, that to the extent feasible, such project will serve the needs of minority, limited English-speaking, and

Indian eligible individuals in proportion to their numbers in the State and take into consideration their rates of poverty and unemployment;

(N) will authorize funds to be used, to the extent feasible, to include individuals participating in such project under any State unemployment insurance plan; and

(O) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with such project and containing the address and telephone number of the Inspector General of the Department of Labor, to whom questions regarding the application of such chapter may be addressed.

(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

(3) The Secretary shall develop alternatives for innovative work modes and provide technical assistance in creating job opportunities through work sharing and other experimental methods to prime sponsors, labor organizations, groups representing business and industry and workers as well as to individual employers, where apropriate.

(4) The Secretary may enter into an agreement with the Administrator of the Environmental Protection Agency to establish a Senior Environmental Employment Corps.

(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project, or (B) a project located in an economically depressed area, as determined by the Secretary in consultation with the Secretary of Commerce and the Director of the Office of Community Services of the Department of Health and Human Services.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

[(3) Of the amount for any project to be paid by the Secretary under this subsection, not more than—

[(A) 13.5 percent for fiscal year 1986, and

[(B) 12 percent for fiscal year 1987, and thereafter, shall be available for paying the costs of administration for such project, except that whenever the Secretary determines that it is necessary to carry out the project assisted under this title, based upon information submitted by the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b), the Secretary may increase the amount available for paying the cost of administration to an amount not more than 15 percent of the cost of such project.]

(3) Of the amount for any project to be paid by the Secretary under his subsection, not more than 13.5 percent for fiscal year 1987 and each fiscal year thereafter shall be available for paying the costs of administration for such project, except that—

(A) whenever the Secretary determines that it is necessary to carry out the project assisted under this title, based on information submitted by the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b), the Secretary may increase the amount available for paying the cost of adminstration to an amount not more than 15 percent of the cost of such project; and

(B) whenever the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b) demonstrates to the Secretary that—

(i) major administrative cost increases are being incurred in necessary program components, including liability insurance, payments for workmen's compensation, costs associated with achieving unsubsidized placement goals, and other operation requirements imposed by the Secretary;

(ii) the number of employment positions in the project or the number of minority eligible individuals participating in the project will decline if the amount available for paying the cost of administration is not increased; or

(iii) the size of the project is so small that the amount of administrative expenses incurred to carry out the project necessarily exceed 13.5 percent of the amount of such project;

the Secretary shall increase the amount available for the fiscal year for paying the cost of administration to an amount not more than 15 percent of the cost of such project.

(d)(1) Whenever a national organization or other program sponsor conducts a project within a State such organization or program sponsor shall submit to the State agency on aging a description of such project to be conducted in the State, including the location of the project, 30 days prior to undertaking the project, for review and comment according to guidelines the Secretary shall issue to assure efficient and effective coordination of programs under this title.

(2) The Secretary shall review on his own initiative or at the request of any public or private nonprofit agency or organization, or an agency of the State government, the distribution of programs under this title within the State including the distribution between urban and rural areas within the State. For each proposed reallocation of programs within a State, the Secretary shall give notice and opportunity for a hearing on the record by all interested individuals and make a written determination of his findings and decision.

(e)(1) The Secretary, in addition to any other authority contained in this title, shall conduct experimental projects designed to assure second career training and the placement of eligible individuals in employment opportunities with private business concerns. The Secretary shall enter into such agreements with States, public agencies, nonprofit private organizations and private business concerns as may be necessary to conduct the experimental projects authorized by this subsection. The Secretary from amounts reserved

under section 506(a)(1)(B) in any fiscal year, may pay all of the costs of any agreements entered into under the provisions of this subsection. The Secretary shall, to the extent feasible, assure equitable geographic distribution of projects authorized by this subsection.

(2) Not later than 90 days after the date of enactment of the Older Americans Act Amendments of 1981, the Secretary shall issue criteria designed to assure that agreements entered into under paragraph (1) of this subsection—

(A) will involve different kinds of work modes, such as flextime, job sharing, and other arrangements relating to reduced physical exertion; and

(B) will emphasize projects involving second careers and job placement and give consideration to placement in growth industries and in jobs reflecting new technological skills.

(3)(A)The Secretary shall carry out an evaluation of the second career training and job placement projects authorized by this subsection.

(B) The evaluation shall include but not be limited to the projects described in paragraph (2).

(C) The Secretary shall prepare and submit, not later than one year after the enactment of the Older Americans Act Amendments of 1981, to the Congress an interim report describing the agreements entered into under paragraph (1) and the design for the evaluation required by this paragraph. The Secretary shall prepare and submit to the President and the Congress a final report on the evaluation required by this paragraph. The Secretary shall prepare and submit to the President and the Congress a final report on the evaluation required by this paragraph not later than February 1, 1984, together with his findings and such recommendations, including recommendations for additional legislation, as the Secretary deems appropriate.

(D) The Secretary shall make the final report submitted under subparagraph (C) available to interested private business concerns.

(4) For the purpose of this subsection, "eligible individual" means any individual who is 55 years of age or older and who has an income equal to or less than the intermediate level retired couples budget as determined annually by the Bureau of Labor Statistics.

ADMINISTRATION

SEC. 503. (a) In order to effectively carry out the provisions of this title, the Secretary shall, through the Commissioner of the Administration on Aging, consult with the State agency on aging designated under section 305(a)(2) with regard to—

(1) the localities in which community service projects of the type authorized by this title are most needed;

(2) consideration of the employment situations and the type of skills possessed by available local individuals who are eligible to participate; and

(3) potential projects and the number and percentage of eligible individuals in the local population.

(b) If the Secretary determines that to do so would increase job opportunities available to individuals under this title, the Secretary

is authorized to coordinate the program assisted under this title with programs authorized under the Job Training Partnership Act, the Community Services Block Grant Act, and the Vocational Education Act of 1984. Appropriations under this Act may not be used to carry out any program under the Job Training Partnership Act, the Community Services Block Grant Act, or the Vocational Education Act of 1984.

(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

(d) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

(e) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the Federal Government.

(f) In carrying out the provisions of this title, the Secretary may fund and expand projects concerning the Senior Environmental Employment Corps and energy conservation from sums appropriated under section 508 for such fiscal year.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 504. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self-insurance, as authorized by State law, that the persons employed under the contract shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.

INTERAGENCY COOPERATION

SEC. 505. (a) The Secretary shall consult with, and obtain the written views of, the Commissioner of the Administration on Aging prior to the establishment of rules or the establishment of general policy in the administration of this title.

(b) The Secretary shall consult and cooperate with the Director of the Office of Community Services, the Secretary of Health and Human Services, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information relating to the availability of assistance under this title and in promoting the identification and interests of

individuals eligible for employment in projects assisted under this title.

(c) In administering projects under this title concerning the Senior Environmental Employment Corps and energy conservation, the Secretary shall consult with the Administrator of the Environmental Protection Agency and the Secretary of Energy and shall enter into an agreement with the Administrator and the Secretary of Energy to coordinate programs conducted by them with such projects.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 506. (a)(1)(A) Subject to the provisions of paragraph (2), from sums appropriated under this title for each fiscal year, the Secretary shall first reserve such sums as may be necessary for national grants or contracts with public agencies and public or private nonprofit organizations to maintain the level of activities carried on under such grants or contracts at least at the level of such activities supported under this title and under any other provision of Federal law relating to community service employment programs for older Americans in fiscal year 1978. *The Secretary shall next reserve such sums as may be necessary for national grants or contracts with public or nonprofit national Indian aging organizations with the ability to provide employment services to older Indians and with national public or nonprofit Pacific/Asian organizations, but only in a fiscal year in which the amount available under this title exceeds the amount appropriated for fiscal year 1987.* Preference in awarding such grants or contracts shall be given to national organizations of proven ability in providing employment services to older persons under this program and similar programs. The Secretary, in awarding grants and contracts under this section, shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts, in the aggregate, among the States, taking into account the needs of underserved States.

(B) From sums appropriated under this title for each fiscal year after September 30, 1978, the Secretary shall reserve an amount which is equal to at least 1 per centum but not more than 3 per centum of the amount appropriated in excess of the amount appropriated for fiscal year 1978 for the purpose of entering into agreements under section 502(e), relating to improved transition to private employment.

(2) For each fiscal year in which the sums appropriated under this title exceed the amount appropriated for fiscal year 1978, the Secretary shall reserve not more than 45 per centum of such excess amount for the purpose described in paragraph (1). The Secretary in awarding grants and contracts under such paragraph (1) from such 45 per centum shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts designed to achieve the allotment among the States described in paragraph (3) of this subsection. The remainder of such excess shall be allotted to the appropriate public agency of each State pursuant to paragraph (3).

(3) The Secretary shall allot to the State agency on aging of each State the remainder of the sums appropriated for any fiscal year

under section 508 so that each State will receive an amount which bears the same ratio to such remainder as the product of the number of persons aged fifty-five or over in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the remainder of the sums appropriated for the fiscal year for which the determination is made, or $100,000, whichever is greater, and (B) Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount which is not less than one-fourth of 1 per centum of the remainder of the sums appropriated for the fiscal year for which the determination is made, or $50,000, whichever is greater. For the purpose of the exception contained in this paragraph the term "State" does not include Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(4) For the purpose of this subsection—

(A) the allotment percentage of each State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (i) the allotment percentage shall in no case be more than 75 per centum or less than 33⅓ per centum, and (ii) the allotment percentage for the District of Columbia, *the Commonwealth of* Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall be 75 per centum;

(B) the number of persons aged fifty-five or over in any State and in all States, and the per capita income in any State and in all States, shall be determined by the Secretary on the basis of the most satisfactory data available to him; and

(C) for the purpose of determining the allotment percentage, the term "United States" means the fifty States and the District of Columbia.

(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for such year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration (1) the proportion which eligible individuals in each such area bears to the total number of such individuals, respectively, in that State, and (2)

the relative distribution of such individuals residing in rural and urban areas within the State.

(d) The Secretary shall require the State agency for each State receiving funds under this title to report at the beginning of each fiscal year on such State's compliance with subsection (c). Such report shall include the names and geographic location of all projects assisted under this title and carried out in the State and the amount allotted to each such project.

DEFINITIONS

SEC. 507. As used in this title—

[(1) the term "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Trust Territory of the Pacific Islands;]

[(2] *(1)* the term "eligible individual" means an individual who is fifty-five years old or older, who has a low income (including any such individual whose income is not more than 125 per centum of the poverty guidelines established by [the Bureau of Labor Statistics] *the Office of Management and Budget*), except that, pursuant to regulations prescribed by the Secretary, any such individual who is sixty years old or older shall have priority for the work opportunities provided for under this title;

[(3)] *(2)* the term "community service" means social, health, welfare, and educational services, *(particularly literacy tutoring)* legal and other counseling services, and assistance, including tax counseling and assistance and finanacial counseling, and library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; weatherization activities; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe; and

[(4)] *(3)* the term "program" means the older American community service employment program established under this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 508. (a) There is authorized to be appropriated to carry out this title—

[(1) $319,450,000 for fiscal year 1984, $335,000,000 for fiscal year 1985, $351,400,000 for fiscal year 1986, and $368,300,000 for fiscal year 1987; and]

(1) $386,715,000 for the fiscal year 1988, $406,051,000 for the fiscal year 1989, $426,353,000 for the fiscal year 1990, $447,671,000 for the fiscal year 1991, and $470,055,000 for the fiscal year 1992; and

(2) such additional sums as many be necessary for each such fiscal year to enable the Secretary, through programs under

this title, to provide for at least 62,500 part-time employment positions for eligible individuals.

For purposes of clause (2), "part-time employment position" means an employment position within a workweek of at least 20 hours.

(b) Amounts appropriated under this section for any fiscal year shall be used during the annual period which begins on July 1 of the calendar year immediately following the beginning of such fiscal year and which ends on June 30 of the following calendar year. The Secretary may extend the period during which such amounts may be obligated or expended in the case of a particular organization or agency receiving funds under this title if the Secretary determines that such extension is necessary to ensure the effective use of such funds by such organization or agency. And such extension shall be for a period of not more than 60 days after the end of such annual period.

EMPLOYMENT ASSISTANCE AND FEDERAL HOUSING AND FOOD STAMP PROGRAMS

SEC. 509. Funds received by eligible individuals from projects carried out under the program established in this title shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other persons, to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977.

[TITLE VI—GRANTS FOR INDIAN TRIBES

[STATEMENT OF PURPOSE

[SEC. 601. It is the purpose of this title to promote the delivery of supportive services, including nutritional services, for Indians that are comparable to services provided under title III.

[ELIGIBILITY

[SEC. 602. (a) A tribal organization of an Indian tribe is eligible for assistance under this title only if—

[(1) the tribal organization represents at least 60 individuals who have attained 60 years of age or older;

[(2) the tribal organization demonstrates the ability to deliver supportive services, including nutritional services; and

[(3) individuals to be served by the tribal organization will not receive for the year for which application under this title is made, services under title III.

[(b) The terms "Indian tribe" and "tribal organization" for the purposes of this title are defined as in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).]

TITLE VI—GRANTS FOR NATIVE AMERICANS

STATEMENT OF PURPOSE

SEC. 601. It is the purpose of this title to promote the delivery of supportive services, including nutrition services, to American Indi-

ans, Alaskan Natives, and Hawaiian Natives that are comparable to services provided under title III.

FINDINGS; SENSE OF CONGRESS

SEC. 602. (a) The Congress finds that the older Indians of the United States—

(1) are a rapidly increasing population;

(2) suffer from high unemployment;

(3) live in poverty at a rate estimated to be as high as 16 percent;

(4) have a life expectancy between 3 and 4 years less than the general population;

(5) lack sufficient nursing homes, other long-term care facilities, and other health care facilities;

(6) lack sufficient Indian area agencies on aging;

(7) frequently live in substandard and overcrowded housing;

(8) receive less than adequate health care;

(9) are served under this title at a rate of less than 19 percent of the total national Indian elderly population living on Indian reservations; and

(10) are served under title III of this Act at a rate of less than 1 percent of the total participants under that title.

(b) The Congress finds the elderly Hawaiian Natives—

(1) have a life expectancy 10 years less than any other ethnic group in the State of Hawaii;

(2) rank lowest on 9 of 11 standard health indicies for all ethnic groups in Hawaii;

(3) are often unaware of social services and do not know how to go about seeking such assistance; and

(4) live in poverty at a rate of 34 percent.

(c) It is the sense of the Congress that older Indians, older Alaskan Natives, and older Hawaiian Natives are a vital resource entitled to all benefits and services available and that such services and benefits should be provided in a manner that preserves and restores their respective dignity, self-respect, and cultural identities.

[GRANTS AUTHORIZED

[SEC. 603. The Commissioner may make grants to eligible tribal organizations to pay all of the costs for delivery of supportive services and nutritional services for older Indians.

[APPLICATIONS

[SEC. 604. No grant may be made under this title unless the eligible tribal organization submits an application to the Commissioner which meets such criteria as the Commissioner may by regulation prescribe. Each such application shall—

[(1) provide that the eligible tribal organization will evaluate the need for social and nutritional services among older Indians to be represented by the tribal organization;

[(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;

[(3) provide that the tribal organization will make such reports in such form and containing such information, as the Commissioner may reasonably require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

[(4) provide for periodic evaluation of activities and projects carried our under the application;

[(5) establish objectives consistent with the purposes of this title toward which activities under the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the tribal organization proposes to overcome such obstacles;

[(6) provide for establishing and maintaining information and referral services to assure that older Indians to be served by the assistance made available under this title will have reasonably convenient access to such services;

[(7) provide a preference for Indians aged 60 and older for full or part-time staff positions wherever feasible;

[(8) provide assurances that either directly or by way of grant or contract with appropriate entities nutritional services will be delivered to older Indians represented by the tribal organization substantially in compliance with the provisions of part C of title III, except that in any case in which the need for nutritional services for older Indians represented by the tribal organization is already met from other sources, the tribal organization may use the funds otherwise required to be expended under this clause for supportive services;

[(9) contain assurances that the provisions of sections 307(a)(14)(A) (i) and (iii), 307(a)(14)(B), and 307(a)(14)(C) will be complied with whenever the application contains provisions for the acquisition, alteration, or renovation of facilities to serve as multipurpose senior centers;

[(10) provide that any legal or ombudsman services made available to older Indians represented by the tribal organization will be substantially in compliance with the provisions of title III relating to the furnishing of similar services; and

[(11) provide satisfactory assurance that fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the tribal organization, including any funds paid by the tribal organization to a recipient of a grant or contract.

[(b) For the purpose of any application submitted under this title, the tribal organization may develop its own population statistics, with certification from the Bureau of Indian Affairs, in order to establish eligibility.

[(c) The Commission shall approve any application which complies with the provisions of subsection (a).

[(d) Wherever the Commissioner determines not to approve an application submitted under subsection (a) the Commissioner shall—

[(1) state objections in writing to the tribal organization within 60 days after such decision;

[(2) provide to the extent practicable technical assistance to the tribal organization to overcome such stated objections; and

[(3) provide the tribal organization with a hearing, under such rules and regulations as the Commissioner may prescribe.

[(e) Whenever the Commissioner approves an application of a tribal organization under this title, funds shall be awarded for not less than 12 months, during which time such tribal organization may not receive funds under title III.

[ADMINISTRATION

[SEC. 605. In establishing regulations for the purpose of this title the Commissioner shall consult with the Secretary of the Interior.

[SURPLUS EDUCATIONAL FACILITIES

[SEC. 606. (a) Notwithstanding any other provision of law, the Secretary of the Interior through the Bureau of Indian Affairs shall make available surplus Indian educational facilities to tribal organizations, and nonprofit organizations with tribal approval, for use as multipurpse senior centers. Such centers may be altered so as to provide extended care facilities, community center facilities, nutritional services, child care services, and other supportive services.

[(b) Each eligible tribal organization desiring to take advantage of such surplus facilities shall submit an application to the Secretary of the Interior at such time and in such manner, and containing or accompanied by such information, as the Secretary of the Interior determines to be necessary to carry out the provisions of this section.

[PAYMENTS

[SEC. 607. Payments may be made under this title (after necessary adjustments, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement in such installments and on such conditions, as the Commissioner may determine.

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 608. (a) There are authorized to be appropriated, $7,500,000 for fiscal year 1984, $7,900,000 for fiscal year 1985, $8,300,000 for fiscal year 1986, and $8,600,000 for fiscal year 1987 to carry out the provisions of this title other than section 606.

[(b) For any fiscal year in which less than $5,000,000 is appropriated under subsection (a) tribal organizations are authorized to receive assistance in accordance with the provisions of title III.]

PART A—INDIAN PROGRAM

ELIGIBILITY

SEC. 611. (a) A tribal organization of an Indian tribe is eligible for assistance under this part only if—

(1) the tribal organization represents at least 50 individuals who have attained 60 years of age or older; and

(2) the tribal organization demonstrates the ability to deliver supportive services, including nutritional services.

(b) For the purposes of this part the terms 'Indian tribe' and 'tribal organization' have the same meaning as in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

GRANTS AUTHORIZED

SEC. 612. The Commissioner may make grants to eligible tribal organizations to pay all of the costs for delivery of supportive services and nutrition services for older Indians.

APPLICATIONS

SEC. 613. (a) No grant may be made under this part unless the eligible tribal organization submits an application to the Commissioner which meets such criteria as the Commissioner may by regulation prescribe. Each such application shall—

(1) provide that the eligible tribal organization will evaluate the need for supportive and nutrition services among older Indians to be represented by the tribal organization;

(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;

(3) provide that the tribal organization will make such reports in such form and containing such information, as the Commissioner may reasonably require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

(4) provide for periodic evaluation of activities and projects carried out under the application;

(5) establish objectives consistent with the purposes of this part toward which activities under the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the tribal organization proposes to overcome such obstacles;

(6) provide for establishing and maintaining information and referral services to assure that older Indians to be served by the assistance made available under this part will have reasonably convenient access to such services;

(7) provide a preference for Indians aged 60 and older for full or part-time staff positions wherever feasible;

(8) provide assurances that either directly or by way of grant or contract with appropriate entities nutrition services will be delivered to older Indians represented by the tribal organization substantially in compliance with the provisions of part C of title III, except that in any case in which the need for nutritional services for older Indians represented by the tribal organization is already met from other sources, the tribal organization may use the funds otherwise required to be expended under this clause for supportive services;

(9) contain assurances that the provisions of sections 307(a)(14)(A) (i) and (iii), 307(a)(14)(B), and 307(a)(14)(C) will be complied with whenever the application contains provisions for

the acquisition, alteration, or renovation of facilities to serve as multipurpose senior centers;

(10) provide that any legal or ombudsman services made available to older Indians represented by the tribal organization will be substantially in compliance with the provisions of title III relating to the furnishing of similar services; and

(11) provide satisfactory assurance that fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the tribal organization, including any funds paid by the tribal organization to a recipient of a grant or contract.

(b) For the purpose of any application submitted under this part, the tribal organization may develop its own population statistics, with certification from the Bureau of Indian Affairs, in order to establish eligibility.

(c) The Commission shall approve any application which complies with the provisions of subsection (a).

(d) Whenever the Commissioner determines not to approve an application submitted under subsection (a) the Commission shall—

(1) state objections in writing to the tribal organization within 60 days after such decision;

(2) provide to the extent practicable technical assistance to the tribal organization to overcome such stated objections; and

(3) provide the tribal organization with a hearing, under such rules and regulations as the Commissioner may prescribe.

(e) Whenever the Commissioner approves an application of a tribal organization under this part, funds shall be awarded for not less than 12 months.

SURPLUS EDUCATIONAL FACILITIES

SEC. 614. (a) Notwithstanding any other provision of law, the Secretary of the Interior through the Bureau of Indian Affairs shall make available surplus Indian educational facilities to tribal organizations, and nonprofit organizations with tribal approval, for use as multipurpose senior centers. Such centers may be altered so as to provide extended care facilities, community center facilities, nutrition services, child care services, and other supportive services.

(b) Each eligible tribal organization desiring to take advantage of such surplus facilities shall submit an application to the Secretary of the Interior at such time and in such manner, and containing or accompanied by such information, as the Secretary of the Interior determines to be necessary to carry out the provisions of this section.

PART B—HAWAIIAN NATIVES PROGRAM

ELIGIBILITY

SEC. 621. A public or nonprofit private organization having the capacity to provide services under this part for Hawaiian Natives is eligible for assistance under this part only if—

(1) the organization will serve at least 50 individuals who have attained 60 years of age or older; and

(2) the organization demonstrates the ability to deliver supportive services, including nutrition services.

GRANTS AUTHORIZED

SEC. 622. The Commissioner may make grants to public and nonprofit private organizations to pay all of the costs for the delivery of supportive services and nutrition services to older Hawaiian Natives.

APPLICATION

SEC. 623. (a) No grant may be made under this part unless the public or nonprofit private organization submits an application to the Commissioner which meets such criteria as the Commissioner may be regulation prescribe. Each such application shall—

(1) provide that the organization will evaluate the need for supportive and nutrition services among older Hawaiian Natives to be represented by the organization;

(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;

(3) provide assurances that the organization will coordinate its activities with the State agency on aging;

(4) provide that the organization will make such reports in such form and containing such information as the Commissioner may reasonably require, and comply with such requirements as the Commissioner may impose to ensure the correctness of such reports;

(5) provide for periodic evaluation of activities and projects carried out under the application;

(6) establish objectives, consistent with the purpose of this title, toward which activities described in the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the organization proposes to overcome such obstacles;

(7) provide for establishing and maintaining information and referral services to assure that older Hawaiian Natives to be served by the assistance made available under this part will have reasonably convenient access to such services;

(8) provide a preference for Hawaiian Natives age 60 and older for full or part-time staff positions wherever feasible;

(9) provide that any legal or ombudsman services made available to older Hawaiian Natives represented by the nonprofit private organization will be substantially in compliance with the provisions of title III relating to the furnishing and similar services; and

(10) provide satisfactory assurances that the fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the nonprofit private organization, including any funds paid by the organization to a recipient of a grant or contract.

(b) The Commissioner shall approve any application which complies with the provisions of subsection (a).

(c) Whenever the Commissioner determines not to approve an application submitted under subsection (a) the Commissioner shall—

(1) state objections in writing to the nonprofit private organization within 60 days after such decision;

(2) provide to the extent practicable technical assistance to the nonprofit private organization to overcome such stated objections; and

(3) provide the organization with a hearing under such rules and regulations as the Commissioner may prescribe.

(d) Whenever the Commissioner approves an application of a nonprofit private or public organization under this part funds shall be awarded for not less than 12 months.

DEFINITION

SEC. 624. For the purpose of this part, the term "Hawaiian Native" means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.

PART C—GENERAL PROVISIONS

ADMINISTRATION

SEC. 631. In establishing regulations for the purpose of part A the Commissioner shall consult with the Secretary of the Interior.

PAYMENTS

SEC. 632. Payments may be made under this title (after necessary adjustments, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement in such installments and on such conditions, as the Commissioner may determine.

AUTHORIZATION OF APPROPRIATIONS

SEC. 633. (a) There are authorized to be appropriated $13,000,000 for the fiscal year 1988, $15,600,000 for the fiscal year 1989, $18,720,000 for the fiscal year 1990, $22,464,000 for the fiscal year 1991, and $26,956,800 for the fiscal year 1992 to carry out the provisions of this title other than section 614.

(b) Whenever the amount appropriated for subsection (a) is equal to or more than 110 percent of the amount appropriated for this title in fiscal year 1987, not more than 10 percent of the amount appropriated for such fiscal year shall be available for part B.".

TITLE VII—OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

SHORT TITLE

SEC. 701. This title may be cited as the "Older Americans Personal Health Education and Training Act".

FINDINGS

SEC. 702. The Congress hereby finds that—

(1) individuals 60 years of age or older constitute the fastest growing segment of the Nation's population;

(2) the process of aging, as well as the changes in lifestyle which accompany it, such as retirement, the end of parenting roles, and relocation, seem to increase and exacerbate health problems faced by older individuals (such health problems include physical, mental, and emotional health problems);

(3) many of the health problems faced by individuals 60 years of age or older, such as arteriosclerosis, arthritis, adult-onset diabetes, hypothermia, heat stress, Alzheimer's disease, circulatory problems, hypertension, diminished hearing and eyesight, reduced strength, social isolation, and bone fragility are particularly common to the older American population;

(4) although older individuals make up only 11 percent of our population, they consume 29 percent of the total health care expenditures and 50.5 percent of Federal health care (non-military expenditures, and as our population ages the percentage of Federal health care dollars absorbed by older individuals will inevitably increase;

(5) older individuals consume more prescription and over-the-counter drugs than any other age group and are therefore more likely to be exposed to two or more active drugs which negatively interact;

(6) many of the health problems faced by older individuals and the fear of those health problems can be ameliorated and in some cases prevented if proper health education and training is available;

(7) health education and training focused specifically on the needs of older individuals can play an important role in health promotion and illness prevention and simultaneously help reduce medical costs for both individuals and the Government;

(8) the educational institutions of public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, and gerontology have much to offer in the design and implementation of health education and training services for older individuals; and

(9) the existing 3,300 multipurpose senior centers established under this Act which already serve over 9,000,000 older individuals each year, are appropriate points of contact from which health education and training can be provided, but there is currently no uniform, standardized program consistently in place across the Nation.

PURPOSES

SEC. 703. The purposes of this title are to provide the necessary resources, leadership, and coordination (1) to design a uniform, standardized program of health education and training for older individuals; (2) to directly involve graduate educational institutions of public health in the design of such program; (3) to directly involve the graduate educational institutions of public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, and gerontology in the implementation of such program; (4) to implement such program in multipurpose senior centers established under this Act; and (5) to evaluate such program.

OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

SEC. 704. (a) In order to foster and promote the design and implementation of a health education and training program for individuals who are 60 years of age or older, the Secretary of Health and Human Services (hereinafter in this title referred to as the "Secretary") shall establish an older individuals personal health education and training program within the Administration on Aging.

(b)(1) In order to carry out the provisions of this title, the Secretary, through the Administration on Aging, shall make grants and enter into contracts with public or private institutions of higher education having graduate programs with capability in public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, or gerontology in order to achieve the purpose of this title. No payment shall be made by the Secretary toward the cost of any such project established or administered by any such institution unless the Secretary determines that such project—

(A) will provide for the design and implementation of a local or statewide demonstration health education and training program which is amenable to replication in multipurpose senior centers, as well as other sites convenient to older individuals;

(B) will provide for consultation with and utilization of multipurpose senior centers established under section 321(b)(1) with regard to the provision of services to meet the specific needs or older individuals;

(C) will be generally applicable to the health needs of all individuals 60 years of age or older;

(D) will provide for the development of components appropriate for uniform, standardized use relating to specific problems encountered by older individuals, such as diet, mental health, physical fitness, hypertension, retirement, health insurance, hypothermia, and legal advice concerning rights to live and to receive medical treatment;

(E) will provide health education in the safe and effective use of prescription and nonprescription medicines;

(F) will address the motivation of older individuals including consideration of the elements of self-responsibility, physical fitness, stress management, nutrition, and environmental awareness; and the benefits older individuals can derive from behavioral and lifestyle modifications within their individual control;

(G) will provide for peer contract and interaction among participating older individuals;

(H) will provide for the training and utilization of graduate students (including the consideration of the granting of course credit to such students) and faculty in the fields of public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, and gerontology;

(I) will provide for the training and utilization of older individuals participating in such projects as volunteers;

(J) will ensure that participating older individuals are made aware of the health services available to them in their communities;

(K) will be designed in consulation with persons specifically competent in the field of public health;

(L) with regard to the provision of services, will be designed in consultation with each area agency on aging located in the geographic area to be served by such project with specific attention to State and area agency replication under section 307(f);

(M) will demonstrate the ability of those who carry out such project to generate multidisciplinary working relationships with other groups in relevant fields, including the medical sciences, mental health, pharmacology, nursing, social work, health education, nutrition, and gerontology;

(N) will provide for coordination with the State agency designated under section 305(a)(1) and State health officials in the State in which such project is carried out; and

(O) will implement health education and training activity in at least 10 separate sites.

(2) The Secretary shall establish, issue, and amend such regulations as may be necessary to effectively carry out this title.

(c)(1) The Secretary shall pay not to exceed 90 percent of the cost of any project which is the subject of a contract entered into under subsection (b).

(2) The remaining cost of such project shall be provided from non-Federal sources, in cash or in-kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair-market value to services and facilities contributed from non-Federal sources.

(3) In considering grant or contract applications under this title, the Secretary shall—

(A) give priority to grants and contracts smaller than $150,000; and

(B) to the extent practicable, ensure an equitable geographical distribution in the awarding of such grants or contracts, including an appropriate consideration of both urban and rural needs.

(d)(1) The Secretary shall prepare and submit to the Congress, not later than October 1, 1985, an interim report describing the projects approved under subsection (b) and a design for the evaluation of such projects.

(2) Not later than October 1, 1986, the Secretary shall prepare and disseminate, through the Commissioner, to State agencies on aging information and materials relating to projects conducted under this title, including uniform, standardized components of a program of health and nutrition education.

(3) The Secretary shall prepare and submit to the President and the Congress a final report on the projects approved under subsection (b) not later than February 1, 1987, along with such findings and recommendations as the Secretary deems appropriate.

ADMINISTRATION

SEC. 705. (a) In carrying out this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimburse-

ment, and to cooperate on a similar basis with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

(b) Payments under this title may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.

(c) Except as provided in section 704(d), the Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the United States.

AUTHORIZATION OF APPROPRIATIONS

SEC. 706. (a) There are authorized to be appropriated to carry out this title [$8,550,000 for fiscal year 1985 and], such sums as may be necessary for *each of the* fiscal years [1986 and 1987.] *1988 through 1992.*

(b) Amounts appropriated under this section for any fiscal year shall remain available for obligation until expended.

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